KA / BG-GPO/2515/WPP-47/2006-2008



ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು

ಸಂಪುಟ ೧೪೩	ಬೆಂಗಳೂರು, ಗುರುವಾರ, ಸೆಪ್ಟೆಂಬರ್ ೨೫, ೨೦೦೮ (ಆಶ್ವಯುಜ ೦೩, ಶಕ ವರ್ಷ ೧೯೩೦)	ಸಂಚಿಕೆ ೩೯

ಭಾಗ–೪

ಕೇಂದ್ರದ ವಿಧೇಯಕಗಳು ಮತ್ತು ಅವುಗಳ ಮೇಲೆ ಪರಿಶೀಲನಾ ಸಮಿತಿಯ ವರದಿಗಳು, ಕೇಂದ್ರದ ಅಧಿನಿಯಮಗಳು ಮತ್ತು ಅಧ್ಯಾದೇಶಗಳು, ಕೇಂದ್ರ ಸರ್ಕಾರದವರು ಹೊರಡಿಸಿದ ಸಾಮಾನ್ಯ ಶಾಸನಬದ್ಧ ನಿಯಮಗಳು ಮತ್ತು ಶಾಸನಬದ್ಧ ಆದೇಶಗಳು ಮತ್ತು ರಾಷ್ಟ್ರಪತಿಯವರಿಂದ ರಚಿತವಾಗಿ ರಾಜ್ಯ ಸರ್ಕಾರದವರಿಂದ ಪುನಃ ಪ್ರಕಟವಾದ ಆದೇಶಗಳು.

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 45 ಕೇನಿಪ್ರ 2007 ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 7ನೇ ಡಿಸೆಂಬರ್ 2007

2007ನೇ ಸಾಲಿನ ಅಕ್ಟೋಬರ್ 26ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟಿನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ–II ಸೆಕ್ಷನ್ 3(i) ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ GSR 679 (E)(Notification No.F.No.1-2/2004-CW-II (pt) ದಿನಾಂಕ 26.10.2007) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF WOMEN AND CHILD DEVELOPMENT

NOTIFICATION

New Delhi, the 26th October, 2007

Rules under the Juvenile Justice (Care and Protection of Children) Act, 2000 (56 of 2000) (as amended by the Amendment Act 33 of 2006) to be administered by the States

[For better implementation and administration of the provisions of the said Act in its true spirit and substance]

G.S.R. 679(E).- WHEREAS the Constitution has, in several provisions, including clause (3) of article 15, article 21, article 21A, clauses (1) and (2) of article 22, articles 23 and 24, clauses (e) and (f) of article 39, article 39A, articles 45, 47 and 51A (k), impose on the State a primary responsibility of ensuring that all the needs of children are met and that their basic rights are fully protected;

AND WHEREAS, the Convention of the Rights of the Child adopted by the General Assembly of the United Nations of the 20th November, 1989 and ratified by India on 11th December 1992, emphasizes conferment of rights on children, and reintegration of juveniles and care and protection of vulnerable children, with a view to furthering their right to survival, development, protection and participation;

AND WHEREAS, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, 1985 (the Beijing Rules) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (1990) set the minimum standard to be adhered to in the administration of juvenile justice in respect of juveniles in conflict with law;

AND WHEREAS, the United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines) and all other relevant international instruments focus on the prevention of juvenile delinquency and provide guidelines for it;

AND WHEREAS, to give effect to the provisions of the Constitution and relevant international instruments, the Juvenile Justice (Care and Protection of Children) Act, 2000 (56 of 2000) as amended by the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006 (33 of 2006) was enacted to consolidate and amend the law relating to juveniles in conflict with law and children in need of care and protection, by providing for proper care, protection and treatment by entering to their developmental needs, and by adopting a child friendly approach in the adjudication and disposition of matters in the best interest of children and for their ultimate rehabilitation and for matters connected therewith or incidental thereto, through institutional as well as non-institutional measures enumerated under the said Act:

NOW, THEREFORE, with a view to provide for better implementation and administration of the provisions of the said Act in its true spirit and substance, the Central Government in pursuance of the above said provisions and in exercise of the powers conferred by the proviso to sub-section (1) section 68 of the Juvenile Justice (Care and Protection of Children) Act, 2000 (56 of 2000) hereby makes the following rules and lays down the fundamental principles to be applied in administration of juvenile justice, namely:-

CHAPTER-1
PRELIMINARY

1. Short title and commencement.-(1) These rules may be called the Juvenile Justice (Care and Protection of Children) Rules, 2007.

(2) They shall come into force on the date of their publication in the Official Gazette

2. Definition.- In these rules, unless the context otherwise requires,-

(a) “abandoned” means an unaccompanied and deserted child who is declared abandoned by the Committee after due inquiry;

(b) “Act” means the Juvenile Justice (Care and Protection of Children) Act, 2000 56 of 2000) as amended by the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006 (33 of 2006);

(c) “best interest of the child”. Means a decision taken to ensure the physical, emotional, intellectual, social and moral development of juvenile or child;

(d) “child friendly” means any process and interpretation, attitude, environment and treatment, that is humane, considerate and in the best interest of the child’

(e) “community service” implies service rendered to the society by juveniles in conflict with law in lieu of other judicial remedies and penalties, which is not degrading and dehumanizing. Examples of this may include:

(i) cleaning a park;

(ii) getting involved with Habitat for Humanity;

(iii) serving the elderly in nursing homes;

(iv) helping out a local fire or police department;

(v) helping out at a local hospital or nursing home; and

(vi) serving disabled children.

(f) “detention” in case of juveniles in conflict with law means “protective custody” in line with the principles of restorative justice;

(g) “Form” means the form annexed to these rules;

(h) "individual care plan" is a comprehensive development plan for a juvenile or child based on age specific and gender specific needs and the case history of the juvenile or child, prepared in consultation with the juvenile or child, in order to restore the juvenile's or child's self-esteem, dignity and self-worth and nurture him into a responsible citizen and accordingly the plan shall address the following needs of a juvenile or a child:

(i) Health needs;
(ii) Emotional and psychological needs;
(iii) Educational and Training needs;
(iv) Leisure, creativity and play;
(v) Attachments and Relationships;
(vi) Protection from all kinds of abuse, neglect and maltreatment;
(vii) Social mainstreaming; and
(viii) Follow-up post release and restoration.

(i) "institution" means an observation home, or a special home, or a children's home or a shelter home set up, certified or recognized and registered under sections 8,9,34, sub-section (3) of section 34 and section 37 of the Act respectively;

(j) "Officer-in-charge" or such other nomenclature as issued by the State Government, means a person appointed for the control and management of the institution;

(k) "orphan" means a child who is without parents or willing and capable legal or natural guardian;

(l) "place of safety" means any institution set up and recognized under sub-section (3) of section 12 and sub-section (1) of section 16 of the Act for juvenile in conflict with law or children;

(m) "recognized" means a person found fit by the competent authority or, an institution found fit by the State Government on the recommendation of the competent authority as per clauses (h) and (i) of section (2) of the Act; or, recognition of an institution or agency or voluntary organization by the State Government to operate as a children's home, observation home and special home; or a shelter home, specialized adoption agency or after care organization under sub-section (1) of section 37, sub-section (4) of section 41 and clause (a) of section 44 of the Act;

(n) "registered", means all institutions or agencies or voluntary organizations providing residential care to children in need of care and protection registered under sub-section (3) of section 34;

(o) "State Government" in relation to a Union territory means the Administrator of that Union territory appointed by the President under article 239 of the Constitution;

(p) "street and working children" means children without ostensible means of livelihood, care, protection and support in accordance with the provisions laid down under clause (d) (1) of section 2 of the Act;

(q) "surrendered child" means a child, who in the opinion of the Committee, is relinquished on account of physical, emotional and social factors beyond the control of the parent or guardian;

(r) All words and expressions defined in the Act and used, but not defined in these rules, shall have the same meaning as assigned to them in the Act.

CHAPTER – II

FUNDAMENTAL PRINCIPLES OF JUVENILE JUSTICE AND PROTECTION OF CHILDREN

3. Fundamental principles to be followed in administration of these rules.– (1) The State Government, the Juvenile Justice Board, the Child Welfare Committee or other competent authorities or agencies, as the case may be, while implementing the provisions of these rules shall abide and be guided by the principles, specified in sub-rule (2).

(2) The following principles shall, interalia, be fundamental to the application, interpretation and implementation of the Act and the rules made hereunder:

I. Principle of presumption of innocence:

(a) A juvenile or child or juvenile in conflict with law is presumed to be innocent of any malafide or criminal intent up to the age of eighteen years.

(b) The juvenile's or juvenile's in conflict with law or child's right to presumption of innocence shall be respected throughout the process of justice and protection, from the initial contact to alternative care, including aftercare.

(c) Any unlawful conduct of a juvenile or a child or a juvenile in conflict with law which is done for survival, or is due to environmental or situational factors or is done under control of adults, or peer groups, is ought to be covered by the principles of innocence.

(d) The basic components of presumption of innocence are:

(i) Age of innocence

Age of innocence is the age below which a juvenile or child or a juvenile in conflict with law cannot be subjected to the criminal justice system. The Beijing Rule 4(1) clearly lays down that "the beginning of the age of criminal responsibility shall not be fixed at too low an age level bearing in mind the facts of mental and intellectual maturity". In consonance with this principle, the mental and intellectual maturity of juvenile or child or a juvenile in conflict with law below eighteen years is considered insufficient through out the world.

(ii) Procedural protection of innocence

All procedural safeguards that are guaranteed by the Constitution and other statutes to the adults and that go in to strengthen the juvenile's or child's right to presumption of innocence **shall be guaranteed to juveniles or the children or juveniles in conflict with law.**

(iii) Provision of Legal aid and Guardian Ad Litem

Juveniles in conflict with law have a right to be informed about the accusations against them and a right to be legally represented. Provisions must be made for guardian ad litem, legal aid and other such assistance through legal services at State expense. This shall also include such juveniles right to present his case before the competent authority on his own.

II Principle of dignity and worth:

(a) Treatment that is consistent with the child's sense of dignity and worth is a fundamental principle of juvenile justice. This principle reflects the fundamental human right enshrined in Article 1 of the Universal Declaration of Human Rights that all human beings are born free and equal in dignity and rights. Respect of dignity includes not being humiliated, personal identity, boundaries and space being respected, not being labeled and stigmatized, being offered information and choices and not being blamed for their acts.

(b) The juvenile's or child's right to dignity and worth has to be respected and protected throughout the entire process of dealing with the child from the first contact with law enforcement agencies to the implementation of all measures for dealing with the child.

III. Principle of Right to be heard:

Every child's right to express his views freely in all matters affecting his interest shall be fully respected through every stage in the process of juvenile justice. Children's right to be heard shall include creation of developmentally appropriate tools and processes of interacting with the child, promoting children's active involvement in decisions regarding their own lives and providing opportunities for discussion and debate.

IV. Principle of Best Interest:

(a) In all decisions taken within the context of administration of juvenile justice, the principle of best interest of the juvenile or the juvenile in conflict with law or child shall be the primary consideration.

(b) The principle of best interest of the juvenile or juvenile in conflict with law or child shall mean for instance that the traditional objectives of criminal justice, retribution and repression, must give way to rehabilitative and restorative objectives of juvenile justice.

(c) This principle seeks to ensure physical, emotional, intellectual, social and moral development of a juvenile in conflict with law or child so as to ensure the safety, well being and permanence for each child and thus enable each child to survive and reach his or her full potential.

V. Principle of family responsibility:

(a) The primary responsibility of bringing up children, providing care, support and protection shall be with the biological parents. However, in exceptional situations, this responsibility may be bestowed on willing adoptive or foster parents.

(b) All decision making for the child should involve the family of origin unless it is not in the best interest of the child to do so.

(c) The family – biological, adoptive or foster (in that order), must be held responsible and provide necessary care, support and protection to the juvenile or child under their care and custody under the Act, unless the best interest measures or mandates dictate otherwise.

VI. Principle of Safety (no harm, no abuse, no neglect, no exploitation and no maltreatment):

(a) At all stages, from the initial contact till such time he remains in contact with the care and protection system, and thereafter, the juvenile or child or juvenile in conflict with law shall not be subjected to any harm, abuse, neglect, maltreatment, corporal punishment or solitary or otherwise any confinement in jails and extreme care shall be taken to avoid any harm to the sensitivity of the juvenile or the child.

(b) The state has a greater responsibility for ensuring safety of every child in its care and protection, without resorting to restrictive measures and processes in the name of care and protection.

VII. Positive measures'

(a) Provisions must be made to enable positive measures that involve the full mobilization of all possible resources, including the family, volunteers and other community groups, as well as schools and other mainstream community institutions or processes, for the purpose of promoting the well-being of the juvenile or child through individual care plans carefully worked out.

(b) The positive measures shall aim at reducing vulnerabilities and reducing the need for intervention under the law, as well as effective, fair and humane dealing of the juvenile or child.

(c) The positive measures shall include avenues for health, education, relationships, livelihoods, leisure, creativity and play.

(d) Such positive measures must facilitate the development of identity for the child and provide them with an inclusive and enabling environment.

VIII. Principle of non-stigmatizing semantics, decisions and actions:

The non-stigmatizing semantics of the Act must be strictly adhered to, and the use of adversarial or accusatory words, such as, arrest, remand, accused, charge sheet, trial, prosecution, warrant, summons, conviction, inmate, delinquent, neglected, custody or jail is prohibited in the processes pertaining to the child or juvenile in conflict with law under the Act.

IX. Principle of non-waiver of rights:

(a) No waiver of rights of the child or juvenile in conflict with law, whether by himself or the competent authority or anyone acting or claiming to act on behalf of the juvenile or child, is either permissible or valid.

(b) Non-exercise of a fundamental right does not amount to waiver.

X. Principle of equality and non-discrimination:

(a) There shall be no discrimination against a child or juvenile in conflict with law on the basis of age, sex, place of birth, disability, health, status, race, ethnicity, religion, caste, cultural practices, work, activity or behaviour of the juvenile or child or that of his parents or guardians, or the civil and political status of the juvenile or child.

(b) Equality of access, equality of opportunity, equality in treatment under the Act shall be guaranteed to every child or juvenile in conflict with law.

XI. Principle of right to privacy and confidentiality:

The juvenile's or child's right to privacy and confidentiality shall be protected by all means and through all the stages of the proceedings and care and protection processes.

XII. Principle of last resort:

Institutionalization of a child or juvenile in conflict with law shall be a step of the last resort after reasonable inquiry and that too for the minimum possible duration.

XIII. Principle of repatriation and restoration:

(a) Every juvenile or child or juvenile in conflict with law has the right to be re-united with his family and restored back to the same socio-economic and cultural status that such juvenile or child enjoyed before coming within the purview of the Act or becoming vulnerable to any form of neglect, abuse or exploitation.

(b) Any juvenile or child, who has lost contact with his family, shall be eligible for protection under the Act and shall be repatriated and restored, at the earliest, to his family, unless such repatriation and restoration is likely to be against the best interest of the juvenile or the child.

XIV. Principle of Fresh Start:

(a) The principle of fresh start promotes new beginning for the child or juvenile in conflict with law by ensuring erasure of his past records.

(b) The State shall seek to promote measures for dealing with children alleged or recognized as having impinged the penal law, without resorting to judicial proceedings.

CHAPTER-III

JUVENILE IN CONFLICT WITH LAW

4. Juvenile Justice Boards.- There shall be one or more Juvenile Justice Boards in every district, which shall be constituted by the State Government as per section 4 of the Act.

5. Composition of the Juvenile Justice Board.-(1) The Board shall consist of a Metropolitan Magistrate or a Judicial Magistrate of the first class, as the case may be, and two social workers of whom at least one shall be a woman, forming a bench:

Provided that the Principal Magistrate of the Board shall review the pendency of cases before the Board and take such steps, as may be necessary in the expeditious disposal of the cases.

(2) Every such bench shall have the powers conferred by the Code of Criminal Procedure 1973 (2 of 1974).

(3) (i) A Magistrate with special knowledge or training in child psychology or child welfare shall be designated as the Principal Magistrate of the Board.

(ii) In case the Principal Magistrate with such special knowledge or training is not available, then, the State Government shall provide for such short-term training in child psychology or child welfare as it considers necessary.

(4) The two social workers, of whom at least one shall be a woman, shall be appointed by the State Government on the recommendation of the Selection Committee set up under rule 91 of these rules.

(5) The State Government shall provide for such training and orientation in child psychology, child welfare, child rights, national and international standards for juvenile justice to all members of the Board as it considers necessary, in accordance with the Integrated Child Protection Scheme of the Central Government.

6. Tenure of the Board- (1) The Board shall have a tenure of three years and the appointment of members shall be co-terminus with the tenure of the Board.

(2) A social worker being a member of the Board shall be eligible for appointment for a maximum of two consecutive terms.

(3) Any extension of the tenure of members of the Board shall be on the basis of their performance appraisal by the District Child Protection Unit of the State Government and on the recommendation of a Selection Committee constituted for the purpose and the performance appraisal of members of the Board shall necessarily assess their participation in the proceedings of the Board and contribution in case disposal.

(4) A member may resign any time, by giving one month's advance notice in writing or may be removed from his office as provided in sub-section (5) of section 4 of the Act.

(5) Any vacancy in the Board may be filled by appointment of another person from the panel of names prepared by the Selection Committee, and shall hold office for the remaining term of the Board.

7. Qualifications for Members of the Board.- (1) The social worker to be appointed as a member of the Board shall be a person not less than 35 years of age, who has a post-graduate degree in social work, health, education, psychology, child development or any other social science discipline and has been actively involved and engaged in planning, implementing and administering measures relating to child welfare for at least seven years.

(2) No person shall be considered for selection as a Member of the Board, if he,-

(a) has been convicted under any law;

(b) have ever indulged in child abuse or employment of child labour or any other human rights violations or immoral act;

(c) is holding such other occupation that does not allow him to give necessary time and attention to the work of the Board;

(d) does not fulfill the qualification and experience prescribed in the Act and the rules made there under and in such a case the Selection Committee shall after due inquiry and on establishment of such fact, reject his application and recommend the name of the next person from the list of names prepared for filling the vacancies.

8. Sitting and conveyance allowances.- The social worker members of the Board shall be paid such travel and sitting allowance, as the State Government may determine. but it shall not be less than rupees five hundred per sitting.

9. Sittings of the Board.- (1) The Board shall hold its sittings in the premises of an Observation Home or, at a place in proximity to the observation home or, at a suitable premise in any institution run under the Act, and in no circumstances shall the Board operate from within any court premises.

(2) The premises where the Board holds its sittings shall be child-friendly and shall not look like a court room in any manner whatsoever; for example, the Board shall not sit on a raised platform and the sitting arrangement shall be uniform, and there shall be no witness boxes.

(3) The Board shall meet on all working days of a week, unless the case pendency is less in a particular district and concerned authority issues an order in this regard.

(4) A minimum of three-fourth attendance of the Chairperson and Members of the Board is necessary in a year.

(5) Every member of the Board shall attend a minimum of five hours per sitting.

10. Functions of the Board.- The Board shall perform the following functions to achieve the objectives of the Act, namely:-

(a) Adjudicate and dispose cases of juveniles in conflict with law;

(b) take cognizance of crimes committed under section 23 to 28 of the Act;

(c) monitoring institutions for juveniles in conflict with law and seeking compliance from them in cases of any noticeable lapses and improvement based on suggestions of the Board;

(d) deal with non-compliance on the part of concerned government functionaries or functionaries of voluntary organizations, as the case may be, in accordance with due process of law;

(e) pass necessary direction to the district authority and Police to create or provide necessary infrastructure of facilities so that minimum standards of justice and treatment are maintained in the spirit of the Act;

(f) maintain liaison with the committee in respect of cases needing care and protection;

(g) liaison with Boards in other districts to facilitate speedy inquiry and disposal of cases through due process of law'

(h) take suitable action for dealing with unforeseen situations that may arise in the implementation of the Act and remove such difficulties in the best interest of the juvenile;

(i) send quarterly information about juveniles in conflict with law produced before them, to the District, State Child Protection Unit, the State Government and also to the Chief Judicial Magistrate or Chief Metropolitan Magistrate for review under sub-section (2) of section 14 of the Act;

(j) any other function assigned by the State Government from time to time relating with juveniles in conflict with law.

11. Pre and Post-Production action of Police and other agencies.- (1) As soon as a juvenile alleged to be in conflict with law is apprehended by the police, the concerned police officer shall inform:

(a) the Designated Juvenile or the Child Welfare Officer in the nearest police station to take charge of the mater;

(b) he parents or guardian of the juvenile alleged to be in conflict with law about the apprehension of the juvenile, about the address of the Board where the juvenile will be produced and date and time when the parents or guardian need to be present before the Board;

(c) the concerned probation officer, of such apprehension to enable him to obtain information regarding social background of the juvenile and other material circumstances likely to be of assistance to the Board for conducting the inquiry.

(2) Soon after apprehension, the juvenile shall be placed under the charge of the Juvenile or Child Welfare Officer from the nearest police station, who shall produce the juvenile before the Board within twenty four hours as per sub-section (1) of section 10 of the Act and where such Juvenile or the Child Welfare Officer has not been designated as per provisions laid down under sub-section (2) of section 63 of the Act or is not available for some official reasons, the police officer who had apprehended the juvenile shall produce him before the Board.

(3) The Police apprehending a juvenile in conflict with law shall in no case send the juvenile in lock-up or delay his charge being transferred to the Juvenile or the Child Welfare Officer from the nearest police station, if such an officer has been designated.

(4) A list of all designated Juvenile or the Child Welfare Officers in a district and members of Special Juvenile Police Unit with contact details shall be prominently displayed in every police station.

(5) For gathering the best available information it shall be incumbent upon the Police or the Juvenile or the Child Welfare Officer from the nearest police station, to contact the parents or guardians of the juvenile and also apprise them of the juvenile's law breaking behaviour.

(6) The Police or the Juvenile or the Child Welfare Officer from the nearest police station, shall also record the social background of the juvenile and circumstances of apprehension and offence alleged to have been committed in the case diary of each juvenile, which shall be forwarded to the Board forthwith.

(7) The Police or the Juvenile or the Child Welfare Officer from the nearest police station, shall exercise the power of apprehending the juvenile only in cases of his alleged involvement in serious offences (entailing a punishment of more than 7 years imprisonment for adults).

(8) In such cases where apprehension apparently seems to be in the interest of the juvenile, the Police or the Juvenile or the Child Welfare Officer from the nearest police station, shall rather treat the juvenile as a child in need of care and protection and produce him before the Board, clearly explaining the juvenile's need for care and protection in its report and seek appropriate orders from the Board under rule 13 (1) (b) of these rules.

(9) For all other cases involving offences of non-serious nature (entailing a punishment of less than 7 years imprisonment for adults) and cases where apprehension is not necessary in the interest of the juvenile, the Police or the Juvenile or the Child Welfare Officer from the nearest police station, shall intimate the parents or guardian of the juvenile about forwarding the information regarding nature of offence alleged to be committed by their child or ward along with his socio-economic background to the Board, which shall have the power to call the juvenile for subsequent hearings.

(10) In case the Board is not sitting, the juvenile in conflict with law shall be produced before the single member of the Board as per the provisions laid down under the sub-section (2) of section 5 of the Act.

(11) In dealing with cases of juveniles in conflict with law the Police or the Juvenile or the Child Welfare Officer from the nearest police station, shall not be required to register an FIR or file a charge-sheet, except where the offence alleged to have been committed by the juvenile is of a serious nature such as rape, murder or when such offence is alleged to have been committed jointly with adults; instead, in matters involving simple offences, the Police or the Juvenile or the Child Welfare Officer from the nearest police station shall record information regarding the offence alleged to have been committed by the juvenile in the general daily diary followed by a report containing social background of the juvenile and circumstances of apprehension and the alleged offence and forward it to the Board before the first hearing.

(12) The State Government shall recognize only such voluntary organizations that are in a position to provide the services of probation, counseling, case work, a safe place and also associate with the Police or the Juvenile or the Child Welfare Officer from the Special Juvenile Police Unit, and have the capacity, facilities and expertise to do so as protection agencies that may assist the Police or the Juvenile or the Child Welfare Officer from the police at the time of apprehension, in preparation of the report containing social background of the juvenile and circumstances of apprehension and the alleged offence, in taking charge of the juvenile until production before the Board, and in actual production of the juvenile before the Board within twenty-four hours.

(13) The Police or the Juvenile or the Child Welfare Officer from the Special Juvenile Police Unit, or the recognized voluntary organization shall be responsible for the safety and provision of food and basic amenities to the juveniles apprehended or kept under their charge during the period such juveniles are with them.

(14) When a juvenile is produced before an individual member of the Board, and an order obtained, such order shall need ratification by the Board in its next meeting.

12. Procedure to be followed in determination of Age.- (1) In every case concerning a child or a juvenile in conflict with law, the court or the Board or as the case may be the Committee referred to in rule 19 of these rules shall determine the age of such juvenile or child or a juvenile in conflict with law within a period of thirty days from the date of making of the application for that purpose.

(2) The court or the Board or as the case may be the Committee shall decide the juvenility or otherwise of the juvenile or the child or as the case may be the juvenile in conflict with law, prima facie on the basis of physical appearance or documents. if available, and send him to the observation home or in jail.

(3) In every case concerning a child or juvenile in conflict with law, the age determination inquiry shall be conducted by the court or the Board or, as the case may be, the Committee by seeking evidence by obtaining-

(a) (i) the matriculation or equivalent certificates, if available; and in the absence whereof;

(ii) The date of birth certificate from the school (other than a play school) first attended; and in the absence whereof;

(iii) the birth certificate given by a corporation or a municipal authority or a panchayat;

(b) and only in the absence of either (i), (ii) or (iii) of clause (a) above, the medical opinion will be sought from a duly constituted Medical Board, which will declare the age of the juvenile or child. In case exact assessment of the age cannot be done, the Court or the Board or, as the case may be, the Committee, for the reasons to be recorded by them, may, if considered necessary, give benefit to the child or juvenile by considering his/her age on lower side within the margin of one year.

and, while passing orders in such case shall, after taking into consideration such evidence as may be available, or the medical opinion, as the case may be, record a finding in respect of his age and either of

the evidence specified in any of the clauses (a) (i), (ii), (iii) or in the absence whereof, clause (b) shall be the conclusive proof of the age as regards such child or the juvenile in conflict with law.

(4) If the age of a juvenile or child or the juvenile in conflict with law is found to be below 18 years on the date of offence, on the basis of any of the conclusive proof specified in sub-rule (3), the court or the Board or as the case may be the Committee shall in writing pass an order stating the age and declaring the status of juvenility or otherwise, for the purpose of the Act and these rules and a copy of the order shall be given to such juvenile or the person concerned.

(5) Save and except where, further inquiry or otherwise is required, inter alia, in terms of section 7A, section 64 of the Act and these rules, no further inquiry shall be conducted by the court or the Board after examining and obtaining the certificate or any other documentary proof referred to in sub-rule (3) of his rule.

(6) The provisions contained in this rule shall also apply to those disposed off cases, where the status of juvenility has not been determined in accordance with the provisions contained in sub-rule (3) and the Act, requiring dispensation of the sentence under the Act for passing appropriate order in the interest of the juvenile in conflict with law.

13. Post-Production processes by the Board.- (1) On production of the juvenile before the Board, the report containing social background of the juvenile and circumstances of apprehension and offence alleged to have been committed provided by the officers, individuals, agencies producing the juvenile shall be reviewed by the Board, and the Board shall pass the following order in the first summary inquiry on the same day, namely:-

(a) dispose off the case, if the evidence of his conflict with law appears to be unfounded or where the juvenile is involved in trivial law breaking;

(b) transfer to the Committee, matters concerning juveniles clearly stated to be in need of care and protection in the police report submitted to the Board at the time of production of the juvenile;

(c) release the juvenile in the supervision or custody of fit persons or fit institutions or probation officers as the case may be, through an order in **Form-I** with a direction to appear or present a juvenile for an inquiry on a next date;

(d) detain the juvenile in an Observation Home or fit institution pending inquiry, only in cases of juvenile's involvement in serious offences as per an order in **Form-II**;

(e) in all cases of release pending inquiry, the Board shall notify the next date of hearing, not later than 15 days of the first summary enquiry and also seek social investigation report from the concerned Probation Officer through an order in **Form-III**;

(2) The Board shall take the following steps to ensure fair and speedy inquiry, namely:-

(a) at the time of initiating the inquiry, the Board shall satisfy itself that the juvenile in conflict with law has not been subjected to any ill-treatment by the police or by any other person, including a lawyer or probation officer and take corrective steps in case of such ill-treatment;

(b) in all cases under the Act the proceedings shall be conducted in as simple a manner as possible and case shall be taken to ensure that the juvenile, against whom the proceedings have been instituted, is given child-friendly atmosphere during the proceedings;

(c) every juvenile brought before the Board shall be given the opportunity to be heard and participate in his inquiry;

(d) cases of petty offences, if not disposed off by the Special Juvenile Police Unit or at the police station itself, may be disposed off by the Board through summary proceedings or inquiry, while in cases of heinous offences entailing punishment of 7 years or more, due process of inquiry in detail may follow;

(3) When witnesses are produced for examination in inquiry relating to a juvenile in conflict with law, the Board shall keep in mind that the inquiry is not to be conducted in the spirit of strict adversarial proceedings and it shall use the powers conferred by section 165 of the Indian Evidence Act, 1872 (1 of 1872) so as to question the juvenile and proceed with the presumptions that favour the juvenile's right to be restored.

(4) While examining a juvenile in conflict with law and recording his statement, the Board shall address the juvenile in a child-friendly manner in order to put the juvenile at ease and to encourage him to state the facts and circumstances without any fear, not only in respect of the offence of which the juvenile is accused, but also in respect of the home and social surroundings and the influence to which the juvenile might have been subjected.

(5) The Board may take into account the report of the police containing circumstances of apprehension and offence alleged to have been committed and the social investigation report in Form-IV prepared by the Probation officer or the voluntary organization on the orders of the Board as per Form-III, along with the evidence produced by the parties for arriving at a conclusion about the juvenile.

(6) Every inquiry by the Board shall be completed within a period of four months after the first summary inquiry and only in exceptional cases involving trans-national criminality, large number of accused and inordinate delay in production of witnesses, the period of inquiry may be extended by two months on recording of reasons by the Board.

(7) In all other cases except where the nature of alleged offence is serious, delay beyond four to six months shall lead to the termination of the proceedings.

(8) Where the proceedings are delayed beyond six months on account of serious nature of the offence alleged to have been committed by the juvenile, the Board shall send a periodic report of the case to the Chief Judicial Magistrate or Chief Metropolitan Magistrate stating the reason for delay as well as steps being taken to expedite the matter.

14. Legal Aid.- (1) The proceedings before the Board shall be conducted in non-adversarial environment, but with due regard to all the due process guarantees such as right to counsel and free legal aid.

(2) The Board shall ensure that the Legal Officer in the District Child Protection Unit and the State Legal Aid Services Authority shall extend free legal services to all the juvenile in conflict with law.

(3) The Legal Officer in the District Child Protection Unit and the State Legal Aid Services Authority shall be under an obligation to provide legal services sought by the Board.

(4) In the event of shortfall in the State Legal Aid Services support, the Board shall be responsible for seeking legal services from recognized voluntary legal services organizations or the university legal services clinics.

(5) The Board may also deploy the services of the student legal services volunteers and non-governmental organisation volunteers in para-legal tasks such as contacting the parents of juveniles in conflict with law and gathering relevant social and rehabilitative information about the juveniles.

15. Completion of Inquiry and Dispositional Alternatives.- (1) The Board shall complete every inquiry within the stipulated time of four months and on recording a finding about juvenile's involvement in the alleged offence, pass one of the seven dispositional orders enumerated in section 15 of the Act.

(2) Before passing an order, the Board shall obtain a social investigation report prepared by the probation officer of by a recognized voluntary organization ordered to do so by the Board, and take the findings of the report into account.

(3) All dispositional orders passed by the Board shall necessarily include an individual care plan for the concerned juvenile in conflict with law, prepared by a probation officer or voluntary organization on the basis of interaction with the juvenile and his family where possible.

(4) Where the Board decides to release the juvenile after advice and admonition or after participation in group counseling or orders him to perform community service, necessary direction may also be made by the Board to the District or State Child Protection Unit or the State Government for arranging such individual counselling, group counseling and community service.

(5) Where the Board decides to release the juvenile in conflict with law on probation and place him under the care of the parent or guardian or fit person. the person in whose custody the juvenile is released may be required to submit a written undertaking in Form-V for the good behaviour and well-being of the juvenile for a maximum period of three years.

(6) The Board may order release of a juvenile in conflict with law on execution of a personal bond without surety in **Form VI.**

(7) In the event of placement of a juvenile in conflict with law in care of a fit institution or special home, the Board shall keep in mind that the fit institution or special home is located nearest to the place of residence of the juvenile's parent or guardian.

(8) The Board, where it releases a juvenile in conflict with law on probation and places him under the care of parent or guardian or fit person or where the juvenile is released on probation and placed under the care of fit institution may order that the juvenile be placed under the supervision of a probation officer. The period of supervision shall be a maximum of three years.

(9) Where the Board decides that a juvenile in conflict with law ought to be treated as a child in need of care and protection, it shall make necessary orders for production of such juvenile before the nearest Committee for suitable care, protection and rehabilitation.

(10) Where it appears to the Board that the juvenile in conflict with law has not complied with probation conditions, it may order the juvenile to be sent for detention in a special home.

(11) Where a juvenile in conflict with law who has attained the age of sixteen years and the offence committed by him is of such a serious nature that in the satisfaction of the Board, it is neither in the interest of the juvenile himself nor in the interest of other juveniles of the special home, the Board may order the juvenile to be kept in a place of safety and in a manner considered most appropriate by it.

(12) The State Government shall make arrangement for complying with the detention of special category of juveniles in conflict with law in place of safety other than the special home.

(13) In no case the period of detention shall exceed beyond the maximum period provided in clause (g) of sub-section (1) of section 15 of the Act.

16. Institutions for juveniles in conflict with law.- (1) The State Government or the voluntary organisation recognized by that State Government shall set up separate observation homes or special homes for boys and girls.

(2) The observation homes or special homes shall set up separate residential facilities for boys and girls up to 12 years, 13-15 years and 16 years and above.

(3) Every institution shall keep a copy of the Act, the rules made by the Central Government and the State rules if any, for use by both staff, juveniles and children residing therein.

(4) The State Governments in collaboration with civil society shall develop and make available simplified and child friendly versions of the Act and the rules in regional languages.

(5) All facilities and services for juveniles in conflict with law shall be made available and maintained as per the provisions of the Act and the State rules. In care the State rules have not been notified, the provisions of these rules shall apply.

17. Release.- (1) The officer-in-charge shall maintain a roster of the cases of juveniles in conflict with law to be released on the expiry of the period of stay as ordered by the Board.

(2) Each case shall be place before the Management Committee set up under rule 55 of these rules by the concerned probation officer or child welfare officer or case worker for ensuring proper release and social mainstreaming of the juvenile post-release.

(3) The release shall be as per the pre-release and post-release plan prepared under the individual care plan and reviewed from time to time by the management committee set up under rule 55 of these rules and in all cases of release, necessary action and preparation shall be initiated well before the time of release and shall include preparation for post-release follow-up.

(4) The timely information of the release of a juvenile and of the exact date of release shall be given to the parent or guardian and the parent or guardian shall be invited to come to the institution to take charge of the juvenile on that date.

(5) If necessary, the actual expenses of the parent's or guardian's journey both ways and of the juvenile's journey form the institution shall be paid to the parent or guardian by the Officer-in-charge at the time of the release of the juvenile.

(6) If the parent or guardian, as the case may be, fails to come and take charge of the juvenile on the appointed date, the juvenile shall be taken by the escort of the institution; and in case of a girl, she shall be escorted by a female escort.

(7) At the time of release or discharge, a juvenile shall be provided with a set of summer or winter clothing and essential toiletries, if the Officer-in-charge considers it necessary.

(8) If the juvenile has no parent or guardian, he may be sent to an aftercare organization, or in the event of his employment, to the person who has undertaken to employ the juvenile.

(9) The Officer-in-charge of a girls' institution may, subject to the consent of the girl and the approval of the competent authority, help the girl with her social re-integration by way of sending a girl above the age of eighteen years to an after care programme or, helping her with some vocation or gainful employment or, helping her settle into family life according to the procedure laid down by the competent authority from time to time.

(10) The Officer-in-Charge shall order the discharge in **Form-VII** of any juvenile whose detention period has come to an end and inform the competent authority within seven days of the action taken and if the date of release falls on a Sunday or a public holiday, the juvenile may be discharged on the preceding day with an entry to that effect being made in the register of discharge.

(11) The Officer-in-charge shall in appropriate cases, order the payment of subsistence money, at such rates as may be fixed from time to time, by the State or the District Child Protection Unit or the State Government, and the railway or road, or both, fares, as the case may be.

(12) In deserving cases, the Officer-in-charge may provide the juvenile with such small tools, as may be necessary, to start a work or business subject to such maximum cost as may be fixed by the institution which shall also form part of the post-release plan.

(13) Where a girl has no place to go after release and requests for stay in the institution after the period of her stay is over, the Officer-in-charge may, subject to the approval of the competent authority, allow her stay till the time some other suitable arrangements are made.

18. Procedure to be followed in respect of sections 21, 22, 23, 24, 25 and 26 of the Act.-

(1) In the event of violation of provisions laid down under section 21 of the Act,-

(a) the Board shall take cognizance of such violation by print or electronic media and shall initiate necessary inquiry and pass appropriate orders as per provisions contained in sub-section (2) of section 21 of the Act; and

(b) where the National or the State Commission for Protection of Child Rights takes suomotu cognizance of violation under section 21 of the Act, it shall inform the District or the State Child Protection Unit of the concerned district and the State directing them to initiate necessary action through the Board.

(2) In the event of an escape of a juvenile in conflict with law or a child, the following action shall be taken with twenty-four hours,-

(a) the Officer-in Charge of any institution shall immediately send a report to the area Police Station or Special Juvenile Police Unit along with the Details and description of the juvenile or

child, with identification marks and a photograph, with a copy to the Board, District Child Protection Unit and other authorities concerned;

(b) the Officer-in-charge of institutions other than shelter homes or drop-in-centres shall send the guards or concerned staff in search of the juvenile, at places like railway stations, bus stands and other places where the juvenile is likely to go;

(c) the parents or guardians shall be informed immediately about such escape; and

(d) the Officer-in-charge of an institution other than a shelter home or drop-in-centre shall hold an inquiry about such escape and send his report to the Board or Committee and the authorities concerned and the report shall be placed before the Management Committee set up under rule 55 of these rules in the next meeting for review.

(3) The offences against a juvenile in conflict with law or a child specified in sections 23, 24, 25 and 26 shall be either bailable or non-bailable besides being cognizable under the provisions of the Code of Criminal Procedure, 1973 (2 of 1974) and the procedures shall apply of the Police, the Board and the concerned authorities and functionaries accordingly.

CHAPTER-IV

CHILD IN NEED OF CARE AND PROTECTION

19. Child Welfare Committee.- There shall be a Child Welfare Committee in every district, which shall be constituted by the State Government through a notification in the Official Gazette as per sub-section (1) of section 29 of the Act.

20. Composition of the Child Welfare Committee.- (1) The Committee shall consist of a Chairperson and four other members, of whom at least one shall be a woman.

(2) The Chairperson and members of the Committee shall be appointed on the recommendation of a Selection Committee set up by the State Government for the purpose under rule 91.

(3) The Selection Committee, while selecting the Chairperson and Members of the Committee, shall as far as possible ensure that none of them are from any adoption agency.

(4) The State Government shall provide for such training and orientation in child psychology, child welfare, child right, national and international standards for juvenile justice to all members of the Committee as it considers necessary.

21. Tenure of the Committee.- (1) The Committee shall have a tenure of three years and the tenure of Chairperson and Members shall be co-terminus with the tenure of the Committee.

(2) The Chairperson and Members of the Committee shall be eligible for appointment for a maximum of two consecutive terms.

(3) Extension of the tenure of members of the Committee shall be on the basis of their performance appraisal by the District Child Protection Unit or the State Government and on the recommendation of the Selection Committee.

(4) With a view to ensuring continuity on completion of the tenure of a Committee, the State Government shall constitute a new Committee before the expiry of the term of the existing Committee; where after the existing Committee shall handover all records and information to the newly formed Committee.

(5) The Chairperson and Members may resign at any time by giving one month's notice in writing or may be removed from office as provided in sub-section (4) of section 29 of the Act.

(6) Any casual vacancy in the Committee may be filled by appointment of another person from the panel of names prepared by the Selection Committee, and shall hold office for the remaining term of the Committee.

22. Qualifications for Chairperson and Members of the Committee.- (1) A person to be selected as a Chairperson or Member of the Committee shall have either of the following qualifications, in addition to a minimum of seven years experience in their respective field:

(i) a person with post graduate degree in social work, psychology, child development, education, sociology, law, criminology and, where such a person is not available, a person with at least a graduate degree in any of the social science disciplines;

(ii) a teacher, doctor or a social worker who has been involved in work concerning children.

(2) The Chairperson or Member of the Committee shall be a person not less than 35 years of age.

(3) No person shall be considered for Selection as a Chairperson or Member of the Committee, if he,-

(i) has a previous conviction record;

(ii) has been involved in any immoral act or in an act of child abuse or employment of child labour;

(iii) is holding such full- time occupation that may not allow him to give necessary time and attention to the work of the Committee as per the Act and these rules;

(iv) does not fulfill the qualification and experience prescribed in the Act and the rules made thereunder, and in such a case the Selection Committee shall after due inquiry and on establishment of such fact, reject his application and recommend the name of the next person from the list of names prepared for filling the vacancies.

23. Sitting and conveyance allowances.- The Chairperson and Members of the Committee shall be paid such travel and sitting allowance, as the State Government may determine, but it shall not be less than rupees five hundred per sitting per member.

24. Sitting of the Committee.- (1) The Committee shall hold its sittings in the premises of the children's home or, at a place in proximity to the children's home or, at a suitable premise in any institution run under the Act.

(2) On receiving information about child or children in need of care and protection, if circumstances are such that the child or children cannot be produced before the Committee, the Committee may move out to reach the child or children and hold its sitting at a place that is convenient for such child or children.

(3) The premises where the Committee holds its sittings shall be child-friendly and shall not look like a court room in any manner whatsoever; for example, the Committee shall not sit on a raised platform and the sitting arrangement shall be uniform and there shall be no witness boxes.

(4) The Committee shall meet a minimum of three days a week, which may be extended by the State Government depending on case and pendency of work.

(5) A minimum of three-fourth attendance of the Chairperson and Members of the Committee is necessary in a year.

(6) The duration of a sitting is dependent on the pendency of work before the Committee.

(7) Every member of the Committee shall attend a minimum of four hours per sitting.

25. Functions and Powers of the Committee.- The Committee shall perform the following functions to achieve the objectives of the Act, namely:-

(a) take cognizance of and receive children produced before the Committee;

(b) decide on the matters brought before the Committee;

(c) reach out to such children in need of care and protection who are not in a position to be produced before the Committee, being in difficult circumstances, with support from the District Child Protection Unit or State Child Protection Unit or the State Government;

(d) conduct necessary inquiry on all issues relating to and affecting the safety and well being of the child;

(e) direct the Child Welfare Officers or Probation Officers or no-governmental organisations to conduct social inquiry and submit a report to the Committee;

(f) ensure necessary care and protection, including immediate shelter;

(g) ensure appropriate rehabilitation and restoration, including passing necessary directions to parents or guardians or fit persons or fit institutions in this regard, in addition to follow-up and coordination with District Child Protection Unit or State Adoption Rusource Agency and other agencies;

(h) Direct the Officer-in-charge of children's homes to receive children requiring shelter and care;
(i) document and maintain detailed case record along with a case summary of every case dealt by the Committee;
(j) provide a child-friendly environment for children;
(k) recommend `fit institutions' to the State Government for the care and protection of children;
(l) declare `fit persons',
(m) declare a child legally free for adoption;
(n) keep information about and take necessary follow-up action in respect of missing children in their jurisdiction;
(o) maintain liaison with the Board in respect of cases needing care and protection;
(p) visit each institution where children are sent for care and protection or adoption at least once in three months to review the condition of children in institutions, with support of the State Government and suggest necessary action;
(q) monitor associations and agencies within their jurisdiction that deal with children in order to check on the exploitation and abuse of children;
(r) co-ordinate with the Police, Labour department and other agencies involved in the care and protection of children with the support of District Child Protection Unit or State Child Protection Unit or State Government;
(s) liaison and network with the corporate sector and non-governmental organisations for any of the above, including for social inquiry, restoration and rehabilitation, as and when required; and
(t) maintain a suggestion box to encourage inputs from children and adults alike and take necessary action.

26. Procedure in relation to Committee.- (1) The quorum for the meeting shall be three members attending, which may include the Chairperson.

(2) Any decision taken by an individual member, when the Committee is not sitting, shall require ratification by the Committee in its next sitting.

(3) The Committee shall take into consideration the age, developmental stage, physical and mental health, opinion of the child and the recommendation of the child welfare officer or caseworker, prior to disposal of cases.

(4) For final disposal of a case, the order of the Committee shall be signed by at least two members, including the Chairperson.

27. Production of a Child before the Committee.- (1) A Child in need of care and protection shall be produced before the Committee within twenty-four hours, excluding journey time, by one of the following persons-

(a) any police officer or Special Juvenile Police Unit or a disignated police officer;
(b) any public servant;
(c) childline, a registered voluntary organization or by such other voluntary organization or an agency as may be recognized by the State Government;
(d) social worker;
(e) any public spirited citizen; or
(f) by the child himself.

(2) in case of a child under two years of age, who is medically unfit, the person or the organization shall send a written report along with the photograph of the child to the Committee within twenty-four hours and produce the child before the Committee as soon as the child is medically fit along with a medical certificate to that effect.

(3) The Committee can suo motu take cognizance of cases brought to their notice and reach out to a child in need of care and protection where necessary and the District or the State Child Protection

Unit or the State Government shall provide necessary support and assistance to the Committee for carrying out such functions.

(4) In case the Committee is not sitting, the child may be produced before the single member of the Committee as per the provisions laid down under the sub-section (2) of section 30 of the Act for being placed in safe custody of parent or guardian or fit person or fit institutions, as the case may be, till such time that the child can be produced before the Committee.

(5) In case the single member is also not accessible, or that the hours are odd, the child shall be taken by an non-governmental organisation or Childline or Police to an appropriate institution for children registered under the Act with all the necessary documents, and placed in such institution till the time of production before the Committee.

(6) The concerned institution shall inform the Chairperson or a member of the Committee about such child and produce the child before the Committee within twenty four hours and in such cases, it may not be necessary for the person who brings a child in need of care and protection to an institution to be present at the time of production of the child before the Committee.

(7) Whoever produces a child before the Committee shall submit a report on the circumstances under which the child came to their notice and efforts made by them on informing the police and the missing persons squad and in cases where a recognized voluntary organization or any police personnel produce a child before the Committee, they shall also submit a report on the efforts made by them for tracing the family of the child.

(8) Any general medical or gynaecological examination of children shall not be a pre-requisite for production of the child before the Committee or admission in an institution.

(9) The Committee shall facilitate the filing of a police complaint and first Information Report in cases of missing children as well as matters of violence, exploitation and abuse of children and arrange for required legal aid through the Legal Officer in the District Child Protection Unit or District or State Legal Aid Services Authority or voluntary organisations.

(10) Each Committee shall send quarterly information about children in need of care and protection received by them to the District or State Child Protection Unit or State Government.

(11) Children shall be provided a child-friendly environment during the proceedings of the Committee.

(12) The Committee shall have an empanelled list of lawyers, social workers and mental health expert who may assist the Committee in dealing with cases of abused children and who may slso interface with the Public Prosecutor or Assistant Public Prosecutor to facilitate legal services to the abused children, when the cases relating to such children are taken up in regular criminal courts.

(13) Every possible effort shall be made to trace the family with support from the District Child Protection Unit, and assistance of recognized voluntary organizations, childline or police may also be taken.

(14) The Committee shall send the child to the designated place of safety, with age and gender appropriate facilities, pending inquiry and in such eventuality, the District Child Protection Unit or State Child Protection Unit or State Government shall provide transport or make necessary budgetary allocations for such expenses based on the actual fare.

(15) The child may be escorted by the police officer or representative of the voluntary organization or by any other arrangement as considered appropriate by the Committee with support from the District Child Protection Unit and in case of a girl child, a female escort shall accompany the child.

(16) A list of all recognized child care institutions along with their capacity and appropriate facilities as prescribed under section 34 of the Act, a list of all child related resource services and a list of contact details of all Child Welfare Committees across the country shall be provided to the Committee by the District Child Protection Unit or State Government.

(17) The Committee may, while making an order in **Form VIII** placing a child under the care of a parent, guardian or fit person pending inquiry or at the time of restoration, as the case may be, direct such parent, guardian or fit person to enter into an undertaking in **Form IX.**

(18) Whenever the Committee orders a child to be kept in an institution, it shall forward to the Officer-in-charge of such institution a copy of the order of short term placement pending inquiry, in **Form X** with particulars of the home and parents or guardian and previous record.

(19) Whenever the Committee orders a child to be kept in a fit institution as part of restoration under clause (f) of sub-section (3) of section 39 of the Act, it shall forward a copy of its order of restoration in **Form XI** to the Officer-in-charge of such institution.

(20) The child shall be placed in an institution closest to where his parents or guardians belong as far as possible, unless the child has been subjected to abuse or exploitation by parents or guardians.

28. Procedure for inquiry.- (1) When a child is brought before the Committee, the Committee shall assign the case to a social worker or caseworker or child welfare officer or Officer-in-charge as the case may be, of the institution or any recognized agency for conducting the inquiry through an order in **Form-XII.**

(2) The Committee shall direct the concerned person or organization about the details or particulars to be enquired into for developing an individual care plan and suitable rehabilitation.

(3) All inquiries conducted by a social worker or caseworker or child welfare officer of Officer-in-charge of the institution or any recognized agency shall be as per **Form-XIII** and must provide an assessment of the family situation of the child in detail, and explain in writing whether it will be in the best interest of the child to restore him to his family.

(4) The inquiry must be completed within four months or within such shorter period as may be fixed by the Committee:

Provided that the Committee may, in the best interest of the child and for the reasons to be recorded in writing, extend the said period under special circumstances.

(5) After completion of the inquiry, if, the child is under orders to continue in the children's home, the Committee shall direct the Officer-in-charge of the home to submit quarterly progress report of such child and produce the child before the Committee for an annual review of the progress.

29. Children's Homes.- (1) The State Government itself or in association with voluntary organizations, shall set up separate homes for children in need of care and protection, in the manner specified below-

(a) all children's homes shall be registered as child care institutions under sub-section (3) of section 34 of the Act and rule 71 of these rules;

(b) all children's homes shall be certified as per the procedure laid down in rule 70;

(c) all children's homes shall report to the concerned Committee about every child in need of care and protection received by them;

(d) children of both sexes below ten years may be kept in the same home but separate facilities shall be maintained for boys and girls in the age group 5 to 10 years;

(e) every children's home shall include separate facilities for children in the age group of 0-5 years with appropriate facilities for the infants;

(f) separate children's homes shall be set up for boys and girls in the age group 10 to18 years;

(g) children in the age group of 10 to 18 shall be further segregated into two groups of 10 to 15 years and 15 to 18 years.

(2) Each children home shall be a comprehensive child care center with the primary objective to promote an integrated approach to child care by involving the community and local Non-Governmental Organisations through the Management Committee set up under rule 55 of these rules and the District Child Protection Unit or State Child Protection Unit or the State Government shall make an annual performance review of functioning of the children's homes.

(3) The activities of such centre shall focus on;

(a) preparing and following individual care plans for every child, with rights based approach, specifically addressing the child's physical and mental health, emotional needs, education, skill development, protection and special needs if any;

(b) family based non-institutional services, such as, foster family care, adoption and sponsorship;

(c) specialized services in situations of conflict or disaster and for juvenile or children affected by terminal or incurable disease to prevent neglect by providing family counselling, nutrition, health interventions, psycho-social interventions and sponsorship;

(d) emergency outreach service through childline (Toll free Help Line No. 1098);

(e) linkages with Integrated Child Development Services to cater to the needs of children below six years;

(f) linkages with organizations and individuals who can provide support services to children; and

(g) opportunities to volunteers willing to provide various services for children.

30. Shelter Homes.- (1) For children in urgent need of care and protection, such as street children and run-away children, the State Government shall support creation of requisite number of shelter homes or drop-in-centres through the voluntary organizations.

(2) Shelter homes shall include:

(g) short-stay homes for children needing temporary shelter, care and protection for a maximum period of one year,

(h) transitional homes providing immediate care and protection to a child for a maximum period of four months,

(i) 24 hour drop-in-centres for children needing day care or night shelter facility.

(3) The shelter homes or drop-in-centres shall have the minimum facilities of boarding and lodging, besides the provision for fulfillment of basic needs in terms of clothing, food, health care and nutrition, safe drinking water and sanitation.

(4) There shall be separate shelter homes for girls and boys as per rule 40 (2) (d) of these rules.

(5) All shelter homes shall provide requisite facilities for education, vocational training, counselling and recreation or make arrangements for it in collaboration with voluntary organizations or corporate sector.

(6) The Committee, Special Juvenile Police Units, public servants, Childlines, voluntary organizations, social workers and the children themselves may refer a child to such shelter homes.

(7) All shelter homes shall submit a report of children using the shelter home facility along with a photograph of the child to the Committee, the missing persons bureau or special juvenile police unit and the District Child Protection Unit or the State Child Protection Unit.

(8) The requirements of producing a child received by a shelter home before the Committee, inquiry and disposal under sections 32, 33, 38 and 39 of the Act shall apply only to shelter homes other than drop-in-centres as specified in rule 30 (2) (c) of these rules.

(9) The services of Officer-in-charge, child welfare officer, social worker shall be provided for the proper care, protection, development, rehabilitation and reintegration needs of children in shelter homes.

(10) No child shall ordinarily stay in a short stay home for more than a year except in special circumstances with the approval of the Committee.

31. Guidelines for prevention of sexual abuse of children.- The Central Government, State Government, the Juvenile Justice Board, the Child Welfare Committee, other competent authorities and agencies shall, in the best interest of children, ensure that every person, school or such other educational institutions abide by the guidelines issued from time to time by Central Government and State Government.

CHAPTER-V

REHABILITATION AND SOCIAL REINTEGRATION

32. Rehabilitation and Social Reintegration.- The primary aim of rehabilitation and social reintegration is to help children in restoring their dignity and self-worth and mainstream them through rehabilitation within the family where possible, or otherwise through alternate care programmes and long-term institutional care shall be of last resort.

33. Adoption.- (1) The primary aim of adoption is to provide a child who cannot be cared for by his biological parents with a permanent substitute family.

(1) For all matters relating to adoption, the guidelines issued by the Central Adoption Resource Agency and notified by the Central Government under sub-section (3) of section 41 of the Act, shall apply.

(3) In case of orphaned and abandoned children the following procedure shall apply, namely:-

(a) Specialized Adoption Agencies shall produce all orphaned and abandoned children who are to be declared legally free for adoption before the Committee within twenty-four hours of receiving such children, excluding the time taken for journey;

(b) a child becomes eligible for adoption when the Committee has completed its inquiry and declares the child legally free for adoption;

(c) such declaration shall be made in **Form XIV ;**

(d) a child must be produced before the Committee at the time of declaring such child legally free for adoption;

(e) whenever intimation is received by the police about an abandoned infant, the police shall take charge of the infant and arrange to provide immediate medical assistance and care;

(f) subsequently, the child shall be placed in a specialized adoption agency or recognized and certified children's home or in a pediatric unit of a Government hospital followed by production of the child before the Committee within twenty-four hours;

(g) procedure for declaring a child abandoned and certifying him legally free for adoption:

(i) in case of an abandoned child, the recognized agency shall within twenty four hours, report and produce the child before the Committee with the copy of the report filed with the police station in whose jurisdiction the child was found abandoned;

(ii) the Committee will institute a process of inquiry, which shall include a thorough inquiry conducted by the Probation Officer of Child Welfare Officer, as the case may be and who shall give report in **Form XIII** to the Committee containing the findings within one month;

(iii) there shall be a declaration by the specialized adoption agency, stating that there has been no claimant for the child even after making notification in at least one leading national newspaper and one regional language newspaper for children below two years of age and for children above two years, an additional television or radio announcement and notification to the missing persons squad or bureau shall be made;

(iv) the steps stated in (iii) shall be taken within a period of sixty days from the time when the child is found in case of a child below two years of age and in case of children above two years of age, this period shall be four months;

(v) the period of notification shall run concurrently with the inquiry to be conducted and report submitted under clause (ii) of this sub-rule;

(vi) the Committee shall declare the child legally free for adoption on completion of the process of inquiry, including declaration of the specialized adoption agency made under clauses (ii) and (iii) of this sub-rule;

(vii) no child above seven years who can understand and express his opinion shall be declared free for adoption without his consent.

(4) In case of surrendered children the following procedure shall apply, namely:-

(a) a surrendered child is one who had been declared as such after due process of inquiry by the Committee and in order to be declared legally free for adoption, a `surrendered' child shall be any of the following:
   (i) born as a consequence of non-consensual relationship;
   (ii) born of an unwed mother or out of wedlock;
   (iii) a child in whose case one of the biological parents is dead and the living parent is incapacitated to take care;
   (iv) a child where the parents or guardians are compelled to relinquish him due to physical, emotional and social beyond their control;

(b) serious efforts shall be made by the Committee for counselling the parents, explaining the consequences of adoption and exploring the possibilities of parents retaining the child and if, the parents are unwilling to retain, then, such children shall be kept initially in foster care or arranged for their sponsorship;

(c) if the surrender is inevitable, a deed of surrender in **Form XV** shall be executed on a non-judicial stamp paper in the presence of the Committee;

(d) the adoption agencies shall wait for completion of two months reconsideration time given to the biological parent or parents after surrender;

(e) in case of a child surrendered by his biological parent or parents, the document of surrender shall be executed by the parent or parents before the Committee;

(f) after due inquiry, the Committee shall declare the surrendered child legally free for adoption in **Form XIII** as the case may be after a sixty days' reconsideration period as per Central Adoption Resource Agency guidelines.

(5) For the purposes of section 41 of the Act, `court' implies a civil court, which has jurisdiction in matters of adoption and guardianship and may include the court of the district judge, family courts and city civil court.

34. Foster Care.- (1) For children who cannot be placed in adoption, order shall be issued by the competent authority in **Form XVII** for carrying out foster care, as given in sub-section (2) of section 42 of the Act and rule 35 (1) of these rules, under the supervision of a probation officer or case worker or social worker, as the case may be, and the period of foster care shall depend on the need of the child.

(2) Every State Government shall design its own foster care programme so as to reduce institutionalization of children and enable a nurturing family environment for every child.

(3) The State Government shall consult the Boards or Committees, non-governmental organisations, academicians and organisations working on alternative case for children in developing the foster care programme.

35. Criteria for selection of families for foster care.- (1) In case of the children covered under rule 34 of these rules, the following criteria shall apply for selection of families for foster care, namely:-
   (i) foster parents should have stable emotional adjustment within the family;
   (ii) foster parents should have an income in which they are able to meet the needs of the child and are not dependent on the foster care maintenance payment;
   (iii) the monthly family income shall be adequate to take care of foster children and approved by the Committee;
   (iv) medical reports of all the members of the family residing in the premises should be obtained including cheeks on Human Immuno Deficiency Virus (HIV), Tuberculosis (TB) and Hepatitis B to determine that they are medically fit;
   (v) the foster parents should have experience in child caring and the capacity to provide good child care;

(vi) the foster parents should be physically, mentally and emotionally stable;

(vii) the home should have adequate space and basic facilities;

(viii) the foster care family should be willing to follow rules laid down including regular visits to pediatrician, maintenance of child health and their records;

(iX) the family should be willing to sign an agreement and to return the child to the specialized adoption agency whenever called to do so.

(x) the foster parents should be willing to attend training or orientation programmes; and

(xi) the foster parents should be willing to take the child for regular (at least once a month in the case of infants) check ups to a pediatrician approved by the agency.

(2) There shall be no discrimination in selection of foster-parents on the basis of caste, religion, ethnic status, disability, or health status and the best interest of the child shall be paramount in deciding foster-care placement.

(3) The foster parents shall be declared `fit persons' by the Committee before placing the child as per the provisions laid down in clause (i) of section 2 of the Act after thorough assessment done by the Child Welfare Officer of Social Worker as per **Form XVI.**

36. Pre-adoption Foster Care.- In case of pre-adoption foster care, the provisions contained in sub-section (1) of section 42 and the corresponding guidelines notified under sub-section (3) of section 41 of the Act, shall apply.

37. Sponsorship.- (1) The State Government shall prepare sponsorship programme in consultation with the Non Governmental Organisations, Child Welfare Committees, other relevant government agencies and the corporate sector.

(2) The State Government, with the help of District of State Child Protection Units shall identify families and children at risk and provide necessary support services in the form of sponsorship for child's education, health, nutrition and other developmental needs.

(3) The children's homes and special homes shall promote sponsorship programmes as laid down in section 43 of the Act.

(4) The institutions receiving sponsorship, shall maintain proper and separate accounts of all the receipts and payments for the programme.

(5) The Board or the Committee shall make an order in **Form XVIII** for support to a juvenile or child through sponsorship and send a copy to the District or State Child Protection Unit or the State Government for appropriate action.

38. After Care Organisation.- (1) The State Government shall set up an after care programme for care of juveniles or children after they leave special homes and children's homes with the objective to facilitate their transition from an institution based life to mainstream society for social re-integration.

(2) After care programmes shall be made available for 18-21 year odd persons, who have no place to go to or are unable to support themselves, by the District or State Child Protection Units in collaboration with voluntary organizations for the purpose of section 44 of the Act and this rule.

(3) Once the Board or the Committee passes an order in **Form XIX** for placing a juvenile or a child completing 18 years of age under the after care programme, a copy of such order shall be sent to the District and the State Child Protection Unit and the State Government, who shall be responsible for arranging after care.

(4) The Board or the Committee shall have jurisdiction over persons placed in after care programme.

(5) The objective of these organisations shall be to enable such children to adapt to the society and during their stay in these transitional homes these children will be encouraged to move away from an institution-based life to a normal one.

(6) The key components of the programme shall include:-

(a) community group housing on a temporary basis for groups of young persons aged 18-21 years;

(b) encouragement to learn a vocation or gain employment and contribute towards the rent as well as the running of the home;

(c) encouragement to gradually sustain themselves without state support and move out of the group home to stay in a place of their own after saving sufficient amount through their earnings;

(d) provision for a peer counsellor to stay in regular contact with these groups to discuss their rehabilitation plans and provide creative outlets for their energy and to tide over crisis periods in their life.

(7) During the course of vocational training a stipend may be provided till such time that the youth gets employment.

(8) Loans may be arranged for the youth in an after care programme aspiring to set up entrepreneurial activities on the basis of an application made by them and due verification of the need for such a loan, and necessary professional advice and training shall be made available to the youth in the after care programme in this regard.

(9) The structure shall include 6 to 8 youths in each group home who may opt to stay together on their own and one peer counsellor for a cluster of five group homes.

39. Linkages and co-ordination.- (1) The State Government shall circulate a copy of the Act and the rules framed thereunder to establish effective linkages between various government, non-government, corporate and other community agencies for facilitating the rehabilitation and social reintegration of juveniles or children through the Board or the Committee as the case may be.

(2) The State Government with the help of State or District Child Protection Unit shall identify the roles and responsibilities of each department at State or district levels for effective implementation of the Act and the rules and inform them through a notification.

(3) The State Government with the help of State or District Child Protection Unit shall arrange for appropriate training and sensitization of functionaries of these departments from time to time in coordination with National Institute of Public Cooperation and Child Development and its Regional Centres.

(4) The State Government with the help of State or District Child Protection Unit shall develop effective networking and linkages with local non-governmental organisations for specialized services and technical assistance like vocational training, education health care, nutrition, mental health intervention, drug de-addition and legal aid services.

CHAPTER-VI

STANDARDS OF CARE FOR INSTITUTIONS

40. Physical infrastructure.- (1) The homes for juveniles in conflict with law and children in need of care and protection shall function from separate premises.

(2) The accommodation in each institution shall be as per the following criteria, namely:-

(a) Observation Home:

(i) Separate observation homes for girls and boys;

(ii) Classification and segregation of juveniles according to their age group preferably 7-11 years, 12-16 years and 16-18 years, giving due consideration to physical and mental status and the nature of the offence committed.

(b) Special Home:

(i) Separate special homes for girls above the age of 10 years and boys in the age groups of 11 to 15 and 16 to 18 years;

(ii) Classification and segregation of juveniles on the basis of age and nature of offences and their mental and physical status

(c) Children's Home:

(i) While children of both sexes below 10 years can be kept in the same home, separate bathing and sleeping facilities shall be maintained for boys and girls in the age group of 5-10 years;

(ii) Separate children's homes for boys and girls in the age group of 7-11 and 12-18 years;

(iii) Separate facilities for children in the age group of 0-5 years with appropriate facilities for infants.

(d) Shelter Home:

(i) Separate shelter homes for girls and boys;

(ii) Separate shelter homes for girls above the age of 10 years and boys in the age groups of 11 to 15 and 16 to 18 years.

(3) The norms for building or accommodation for an institution with 50 juveniles of children shall be as under:

(i)	2 Dormitories	Each 1000 Sq.ft. for 25 juveniles/children i.e. 2000 Sq. ft.
(ii)	2 Classrooms	300 Sq. ft. for 25 juveniles/children i.e. 600 Sq. ft.
(iii)	Sickroom/First aid room	75 Sq. ft. per juvenile/children for 10 i.e. 750 Sq. ft.
(iv)	Kitchen	250 Sq. ft.
(v)	Dining Hall	800 Sq. ft.
(vi)	Store	250 Sq. ft.
(vii)	recreation room	300 Sq. ft.
(viii)	Library	500 Sq. ft.
(ix)	5 bathrooms	25 Sq. ft. each i.e. 125 Sq. ft.
(x)	8 toilets/latrines	25 Sq. ft. each i.e. 200 Sq. ft.
(xi)	Office rooms	(a) 300 Sq. ft. (b) Superintendent's room 200 sq. fit
(xii)	Counselling and guidance room	120 Sq. ft.
(xiii)	Workshop	1125 Sq. ft. for 15 juvenile @ 75 Sq. ft. per trainee
(xiv)	Residence for Superintendent	(a) 2 rooms of 250 Sq. ft. each (b) kitchen 75 Sq. ft. (c) bathroom cum Toilet/latrine 50 Sq. ft.
(xv)	2 Rooms for Juvenile Justice Board/Child Welfare Committee 300 Sq. ft. each i.e. 600 Sq. ft.	
(xvi)	Play ground	Sufficient area according to the total number of juveniles or children
	Total	**8495 Sq. ft.**

(4) The Superintendent shall stay within the institution and be provided with quarters and in case he is not able to stay in the home for legitimate reasons (to be permitted by Director, Child Protection), any other senior staff member of the institution shall stay in the institution and be in a position to supervise the overall care of the children or juveniles and, take decisions in the case of any crisis and emergency.

(5) (i) the standards of accommodation as per the norms laid down in rule 40(2) shall be observed to the extent possible and shall include a minimum of following facilities:

(a) Dormitory:	40 Sq. ft. per juvenile or child
(b) Classroom:	300 Sq. ft for 25 juvenile or child
(c) Workshop:	75 Sq. ft. per juvenile or child
(d) Play ground:	Sufficient play ground area shall be provided in every institution according to the total number of juveniles in institution.

(ii) there shall be proper and smooth flooring for preventing accidents.

(iii) there shall be adequate lighting, ventilation, heating and cooling arrangements, safe drinking water and clean toilets, in terms of gender, age appropriateness and accessibility.

(iv) all institutions under the Act shall make provision of first aid Kit, fire extinguishers in kitchen, dormitories, store rooms, counselling room, periodic review of electrical installations, proper

storage and inspection of articles of food stuffs, stand-by arrangements for water storage and emergency lighting.

(6) The Observation homes and special homes shall be child-friendly and in no way shall they look like a jail or lock-up

41. Clothing and Bedding.- The clothing and bedding shall be as per the scale and climatic conditions. The requirements of each juvenile or child and the minimum standards for clothing and bedding are laid down in Schedule-I of these rules.

42. Sanitation and Hygiene.- Every institution shall have the following facilities, namely:-

(a) sufficient treated drinking water; water filters shall be installed;

(b) sufficient water for bathing and washing clothes, maintenance and cleanliness of the premises;

(c) proper drainage system;

(d) arrangements for disposal of garbage;

(e) protection from mosquitoes by providing mosquito nets;

(f) annual pest control;

(g) Sufficient number of well lit and airy toilets in the proportion of at least one toilet for seven children;

(h) sufficient number of well lit and airy bathrooms in the proportion of at least one bath room for ten children;

(i) sufficient space for washing;

(j) clean and fly-proof kitchen and separate area for washing utensils;

(k) sunning of bedding and clothing;

(l) maintenance of cleanliness in the Medical Centre.

43. Daily Routine.- (1) Every institution shall have a daily routine for the juveniles or children developed in consultation with the Children's Committees, which shall be prominently displayed at various places within the institution.

(2) The daily routine shall provide, inter alia, for a regulated and disciplined life, personal hygiene and cleanliness, physical exercise, yoga, educational classes, vocational training, organized recreation and games, moral education, group activities, prayer and community singing and special programmes for sundays and holidays.

44. Nutrition and Diet Scale.- The following nutrition and diet scale shall be followed by the institutions, namely:-

(a) the children shall be provided four meals in a day including break fast;

(b) the menu shall be prepared with the help of a nutritional expert or doctor to ensure balanced diet and variety in taste as per the minimum nutritional standard and diet scale set out in Schedule II of these rules;

(c) every institution under this Act shall strictly adhere to the minimum nutritional standard and diet scale specified in Schedule II;

(d) juveniles or children may be provided special meals on holidays and festivals;

(e) infants and sick juveniles or children shall be provided special diet according to the advise of the doctor on their dietary requirement.

45. Medical Care.- Every institution shall:

(a) maintain a medical record of each juvenile or child on the basis of monthly medical check-up and provide necessary medical facilities;

(b) ensure that the medical record includes weight and height record, any sickness and treatment, and other physical or mental problem;

(c) have arrangement for the medical facilities, including a doctor on call available on all working days for regular medical check-ups and treatment of juveniles or children;

(d) have sufficient medical equipments to handle minor health problems including first aid kit with stock of emergency medicines and consumables;

(e) train all staff in handling first aid;

(f) tie-up with local Primary Health Centre, government hospital, medical colleges, other hospitals, clinical psychologists and psychiatrists and mental health institutes for regular visits by their doctors and students and for holding periodic health camps within the institutions.

(g) make necessary arrangements made for the immunization coverage;

(h) take preventive measures in the event of out break of contagious or infectious diseases;

(i) set up a system for referral of cases with deteriorating health or serious cases to the nearest civil hospital or recognised treatment centres;

(j) keep sick children under constant medical supervision;

(k) admit a juvenile or child without insisting on a medical certificate at the time of admission;

(l) arrange for a medical examination of each juvenile or child admitted in an institution by the Medical Officer within twenty four hours and in special cases or medical emergencies immediately;

(m) arrange for a medical examination of the juvenile or child by the Medical Officer at the time of transfer within twenty four hours before transfer;

(n) not carry out any surgical treatment on any juvenile or child without the previous consent of his parent or guardian, unless either the parent or guardian cannot be found and the condition of the juvenile or child is such that any delay shall, in the opinion of the medical officer, involve unnecessary suffering or injury to the health of the juvenile or child or otherwise without obtaining a written consent to this effect from the Officer-in-charge of the institution;

(o) provide or arrange for regular counselling of every juvenile or child and ensure specific mental health interventions for those in need of such services, including separate rooms for counselling sessions within the premises of the institution;

(p) refer such children who require specialized drug abuse prevention and rehabilitation programme, to an appropriate centre administered by qualified personnel where these programmes shall be adopted to the age, gender and other specifications of the concerned child.

46. Mental Health- (1) A mental health record of every juvenile or child shall be maintained by the concerned institutions.

(2) Both mileu based interventions that is creating an enabling environment for children and individual therapy are must for every child and shall be provided in all institutions.

Explanation.- For the prupose of this sub-rule, mileu based intervention is a process of recovery, which starts through providing an enabling culture and environment in an institution so as to ensure that each child's abilities are discovered and they have choices and right to take to decisions regarding their life and thus, they develop and identify beyond their negative experiences and such intervention has a critical emotional impact on the child.

(3) The environment in an institution shall be free from abuse, allowing juveniles or children to cope with their situation and regain confidence.

(4) All persons involved in taking care of the juveniles or children in an institution shall participate in facilitating an enabling environment and work in collaboration with the therapists.

(5) Individual therapy is a specialized process and each institution shall make provisions for it as a critical mental health intervention.

(6) Every institution shall have the services of trained counselors or collaboration with external agencies such as child guidance centres, psychology and psychiatric departments or similar government and non-governmental agencies, for specialized and regular individual therapy for every juvenile or child in the institution.

(7) A mental health care plan shall be developed for every juvenile or child by the child welfare officers in consultation with mental health experts associated with the institution and integrated into the individual care plan of the concerned juvenile or child.

(8) The recommendations of mental health experts shall be maintained in every case file and integrated into the care plan for every child.

(9) All care plans shall be produced before the Management Committee set up under rule 55 of these rules every month and before the Child Welfare Committee every quarter.

(10) No juvenile or child shall be administered medication for mental health problems without a psychological evaluation and diagnosis by appropriately trained mental health professionals.

47. Education.- (1) Every institution shall provide education to all juveniles or children according to the age and ability, both inside the institution or outside, as per the requirement.

(2) There shall be a range of educational opportunities including, mainstream inclusive schools, bridge school, open schooling, non formal education and learning and input from special educators where needed.

(3) Wherever necessary, extra coaching shall be made available to school going children in the institutions by encouraging volunteer services or tying up with coaching centers.

48. Vocational Training.- (a) Every institution shall provide gainful vocational training to juveniles or children.

(b) The institutions shall develop networking with Institute of Technical Instruction, Jan Shikshan Sansthan, Government and Private Organization or Enterprises, Agencies or non-governmental organisations with expertise or placement agencies.

49. Recreation facilities.- (1) A provision of guided recreation shall be made available to all juveniles or children in the institutions.

(2) It shall include indoor and outdoor games, music, television, picnics and outings, cultural programmes and library.

50. Institutional Management of juveniles or children.- (1) The following procedure shall be followed in respect of the newly admitted juveniles:

(a) receiving and search;

(b) disinfection and storing of juvenile's personal belongings and other valuables;

(c) bath and haircut (unless prohibited by religion);

(d) issue of toiletry items; new set of clothes, bedding and other outfit and equipment (as per scales);

(e) medical examination and treatment where necessary and in case of every juvenile suspected to be suffering from contagious or infectious diseases, mental ailments or addiction;

(f) segregation in specially earmarked dormitories or wards or hospitals in case of a child suffering from contagious disease requiring special care and caution;

(g) attending to immediate and urgent needs of the juveniles like appearing in examinations, interview letter to parents, personal problems and verification by the Officer-in-charge of age of juvenile as per order of the Board.

(2) Every newly admitted juvenile or child shall be allotted a case worker from amongst the probation officers or child welfare officers or social workers or counsellors attached to the institutions or voluntary social workers or counsellors.

(3) Every newly admitted juvenile shall be familiarized with the institution and its functioning and shall receive orientation in the following areas:

(a) personal health, hygiene and sanitation;

(b) institutional discipline and standards of behaviour, respect for elders and teachers;

(c) daily routine, peer interaction, optimum use of developmental opportunities; and

(d) rights, responsibilities and obligations within the institution.

(4) The designated officer shall enter the name of the juvenile or child in the Admission Register and allocate appropriate accommodation facility.

(5) The photograph shall also be taken immediately for records and the case worker or probation officer or welfare officer shall begin the investigation and correspondence with the person, the juvenile or child might have named.

(6) The Officer-in-charge shall see that the personal belongings of the juvenile or child received by the institution is kept in safe custody and recorded in the Personal Belonging Register and the item must be returned to the juvenile or child when he leaves the institution.

(7) The girl juvenile or child shall be searched by a female member of the staff, and with due regard to decency and dignity of the juvenile or child.

(8) The educational level and vocational aptitude of the juvenile admitted, may be assessed on the basis of test and interview conducted by the teacher, the workshop supervisor and other technical staff and necessary linkages may also be established with outside specialists and community-based welfare agencies, phychologist, psychiatrist, child guidance clinic, hospital and local doctors, open school or Jan Sikshan Sansthan.

(9) A case history of the juvenile or the child admitted to an institution shall be maintained as per **Form XX**, which shall contain information regarding his socio-cultural and economic background and these informations may invariably be collected through all possible and available sources, including home, parents or guardians, employer, school, friends and community.

(10) A well conceived programme of pre-release planning and follow up of cases discharged from special homes shall be organized in all institutions in close collaboration with existing governmental and voluntary welfare organizations.

(11) In the event of a juvenile or child leaving the institution without permission or committing an offence within the institution, the information shall be sent by the officer-in charge of the concerned institution to the police and the family, if known; and the detailed report of circumstances along with the efforts to trace the juvenile or child where the juvenile or child is missing, shall be sent to the Board or Committee, as the case may be.

(12) An individual care plan for every juvenile or child in institutional care shall be developed with the ultimate aim of the child being rehabilitated and re-integrated based on their case history, circumstances and individual needs and the individual care plan shall be based on following guidelines;

(a) the Officer-in-charge, counsellor along with the child welfare officer or case worker, or social worker shall prepare an individual care plan for every child in an institution within one month of his admittance as **per Form XXI;**

(b) all care plans shall include a plan for the juvenile's or child's restoration, rehabilitation, reintegration and follow-up;

(c) the care plan shall be reviewed quarterly by the Management Committee set up under rule 55 of these rules for appropriate development and rehabilitation including options for release or restoration to family or foster care or adoption;

(d) juveniles or children shall be consulted while determining their care plan;

(e) continuity of care plan shall be ensured in cases of transfer or repatriation or restoration.

51. Prohibited Articles.- No person shall bring into the institution the following prohibited articles, namely:

(a) fire-arms or other weapons, whether requiring license or not (like knife, blades, lathi, spears and swords);

(b) alcohol and spirit of any description;

(c) bhang, ganja, opium or other narcotic or psychotropic substances;

(d) tobacco; or

(e) any other article specified in this behalf by the State Government by a general or special order.

52. Articles found on search and inspection.- (1) The Officer-in-Charge shall see that every juvenile received in the institution is searched, his personal belongings inspected and money or any valuables found with the juvenile is kept in the safe custody to the Officer-in-Charge.

(2) The girls shall be searched by a female member of the staff and both the girls and boys shall be searched with due regard to decency and dignity.

(3) In every institution, a record of money, valuables and other articles found with a juvenile shall be maintained in the ``Personal Belongings Register".

(4) The entries made in the Personal Belongings Register, relating to each juvenile, shall be read over to juvenile in the presence of a witness, whose signature shall be obtained in token of the correctness of such entries and it shall be countersigned by the Officer-in-Charge.

53. Disposal of article.- The money or valuables belonging to a juvenile received or retained in an institution shall be disposed of in the following manner, namely:

(a) on an order made by the competent authority in respect of any juvenile, directing the juvenile to be sent to an institution, the Officer-in-charge shall deposit such juvenile's money together with the sale proceeds in the manner laid down from time to time in the name of the juvenile;

(b) the juvenile’s money shall be kept with the Officer-in-Charge and valuables, clothing, bedding and other artcles, if any, shall be kept in safe custody;

(c) When such juvenile is transferred from one institution to another, all his money, valuables and other articles, shall be sent along with the juvenile to the Officer-in-Charge of the institution to which he has been transferred together with a full and correct statement of the description and estimated value thereof;

(d) at the time of release of such juvenile, the valuables and other articles kept in safe custody and the money deposited in name of the juvenile shall be handed over to the parent or guardian, as the case may be, with an every made in this behalf in the register and signed by the Officer-in-Charge;

(e) when a juvenile in an institution dies, the valuable and other articles left by the deceased and the money deposited in the name of the juvenile shall be handed over by the Officer-in-Charge to any person who establishes his claim thereto and executes an indemnity bond;

(f) a receipt shall be obtained from such person for having received such valuables and other articles and the amount;

(g) if no claimant appears within a period of six months from the date of death or escape of such juvenile, the valuables and other articles and amount shall be disposed of as per the decision taken by Management Committee set up under rule 55 of these rules.

54. Maintenance of case file.-(1) The case file of each juvenile and child shall be maintained in the institution containing the following information:

(a) report of the person or agency who produced the juvenile before the Board;

(b) officer-in-charge's, probation officer's or child welfare officer's counselor's and case workers reports;

(c) information from previous institution;

(d) report of the initial interaction with the juvenile, information from family members, relatives, community, friends and miscellaneous information;

(e) source of further information;

(f) observation reports from staff members;

(g) regular health status reports from Medical Officer, drug de-addiction progress reports, progress reports vis-a-vis psychological counselling or any other mental health intervention, where applicable;

(h) Intelligence Quotient (1.Q) testing, aptitude testing, educational or vocational tests;

(i) social history;

(j) summary and analysis by case-worker and Officer-in-charge;

(k) instruction regarding training and treatment programme and about special precautions to be taken;

(l) leave and other privileges granted;

(m) special achievements and violation of rules, if any.;

(n) quarterly progress report;

(o) individual care plan, including pre-release programme, post release plan and follow-up plan as prescribed in **Form XXI;**

(p) leave of absence or release under supervision;

(q) final discharge;

(r) follow-up reports;

(s) annual photograph;

(t) case history duly filled in prescribed **Form XX;**

(u) follow-up report of post release cases as per direction of the competent authority if any; and

(v) remarks.

(2) All the case files maintained by the institutions and the Board or Committee shall, as far as possible, be computerised and networked so that the data is centrally available to the State and the District Child Protection Unit and the State Government.

55. Management Committee.- (1) Every institution shall have a Management Committee for the management of the institution and monitoring the progress of every juvenile and child.

(2) In order to ensure proper care and treatment as per the individual care plans, a juvenile or child shall be grouped on the basis of age, nature of offence or kind of care required, physical and mental health and length of stay order.

(3) The Management Committee shall consist of the following personnel:

District Child Protection Officer (District Child Protection Unit)	- Chairperson
Officer-in-charge	- Member-Secretary
Probation Officer of Child Welfare Officer or Case Worker	-Member
Medical Officer	-Member
Psychologist or Counsellor	-Member
Workshop Supervisor or Instructor in Vocation	-Member
Teacher	-Member
Social Worker Member of Juvenile Justice Board or Child Welfare Committee	-Member
A juvenile or child representative from each of the Children's Committees (on a monthly rotation basis to ensure representation of juveniles or children from all age groups)	-Member

(4) In the districts where District Child Protection Unit is not constituted the District Magistrate or Collector or his nominee shall be the Chairperson of this Committee.

(5) Where voluntary organizations are involved in providing professional and technical services like education, vocational training, psychosocial care, mental health intervention and legal aid, the Management Committee may invite a representative of such voluntary organizations as a special invitee to the Management Committee meetings.

(6) (a) The Management Committee shall meet every month to consider and review-

(i) custodial care to care in the institution, housing, area of activity and type of supervision on preventions required;

(ii) medical facilities and treatment;

(iii) food, water, sanitation and hygiene conditions;

(iv) mental health interventions with the juveniles and children;

(v) individual problems of juveniles and children, provision of legal aid services and institutional adjustment, leading to the quarterly review of individual care plans;

(vi) vocational training and opportunities for employment;

(vii) education and life skills development programmes;

(viii) social adjustment, recreation, group work activities, guidance and counselling;

(ix) review of progress, adjustment and modification of residential programmes to the needs of the juveniles and children;

(x) planning post-release or post-restoration rehabilitation programme and follow up for a period of two years in collaboration with aftercare services;

(xi) pre-release or pre-restoration preparation;

(xii) release or restoration;

(xiii) post release or post-restoration follow-up;

(xiv) minimum standards of care, including infrastructure and services available;

(xv) daily routine;

(xvi) community participation and voluntarism in the residential life of children such as education, vocational activities, recreation and hobby;

(xvii) oversee that all registers as required under the Act and rules are maintained by the institution, check and verify these registers, duly stamped and signed in the monthly review meetings;

(xviii) matters concerning the Children's Committees;

(xix) any other matter which the Officer-in-Charge may like to bring up.

(b) The Officer-in-charge or child welfare officer shall file a quarterly progress report of every juvenile or child in the case file and send a copy to the District Child Protection Unit and Board or Committee, as the case may be.

(7) The Management Committee shall set up a complaint and redress mechanism in every institution and a Children's Suggestion Box shall be installed in every institution at a place easily accessible to juveniles and children away from the office set up and closer to the residence or rooms or dormitories of the children.

(8) (a) The Children's Suggestion Box, whose key shall remain in the custody of the Chairperson of the Management Committee, shall be checked every week by the Chairperson of the Management Committee or his representative from District Child Protection Unit, in the presence of the members of the Children's Committees.

(b) If there is a problem or suggestion that requires immediate attention, the Chairperson of the Management Committee shall call for an emergency meeting of the Management Committee to discuss and take necessary action.

(c) The quorum for conducting the emergency meetings shall be five members, including two members of Children's Committees, Chairperson of the Management Committee, Member of Committee or the Board as the case may be and the Officer-in-Charge of the institution.

(d) In the event of a serious allegation or complaint against the Officer-in-Charge of the institution, he shall not be part of the emergency meeting and another available member of the Management Committee shall be included in his place.

(e) All suggestion received through the suggestion box and action taken as a result of the dicisions made in the emergency meeting or action required to be taken shall be placed for discussion and review in the monthly meeting of the Management Committee.

(9) A Children's Suggestion Book shall be maintained in every institution where the complaints and action taken by the Management Committee are duly recorded and such action and follow up shall be communicated to the Children's Committees after every monthly meeting of the Management Committee.

(10) The Board or Committee shall review the Children's Suggestion Book at least once in three months.

56. Children's Committees.-(1) Officer-in-Charge of every institution for juveniles or children shall facilitate the setting up of children's Committees for three different age groups of children, viz., 6-10 years, 11-15 years and 16-18 years and these Children's Committees shall be constituted solely by Children.

(2) Such Children's Committee shall be encouraged to participate in following activities:

(a) improvement of the condition of the institution;

(b) reviewing the standards of care being followed;

(c) preparing daily routine and diet scale;

(d) developing educational, vocational and recreation plans;

(e) supporting each other in managing crisis;

(f) reporting abuse and exploitation by peers and caregivers;

(g) creative expression of their views through wall papers or newsletters or paintings or music or theater;

(h) management of institution through the Management Committee.

(3) The Officer-in-Charge shall ensure that the Children's Committees meet every month and maintain a register for recording its activities and proceedings, and place it before the Management Committee in their monthly meetings.

(4) The Officer-in-Charge shall ensure that the Children's Committees are provided with essential support and materials including stationary, space and guidance for effective functioning.

(5) The Officer-in-Charge shall, as far as possible, seek assistance from local voluntary organization or child participation experts for the setting up and functioning of the Children's Committees.

(6) The local voluntary organization or child participation expert shall support the Children's Committees in the following:

(j) selecting their leaders;

(k) conducting the monthly meetings;

(l) developing rules for the functioning of Children's Committees and following it;

(m) maintaining records and Children's Suggestion Book and other relevant documents;

(n) any other innovative activity.

(7) The Management Committee shall seek a report from the Officer-in Charge on the setting up and functioning of the Children's Committees, review these reports in their monthly meetings and take necessary action where required.

57. Rewards and Earnings.- The rewards to a juvenile or child, at such rates as may be fixed by the management of the institution from time to time, may be granted by the Officer-in-Charge as an encouragement to steady work and good behaviour; and at the time of release, the reward shall be handed over after obtaining a receipt from the parent or the guardian who comes to take charge of the juvenile or child or juvenile or child himself.

58. Visits to and communication with juveniles or children.- (1) The parents and relatives of the juveniles or children shall be allowed to visit once in a month or in special cases, more frequently at the discretion of the Officer-in Charge as per the visiting hours laid down by him, except where parents or relatives or guardian have been found to be responsible for subjecting the juvenile or child to violence, abuse and exploitation.

(2) The receipt of letters by the juveniles or children of the institution shall not be restricted and they shall have freedom to write as many letters as they like at all reasonable times; and the institution shall ensure that where parents, guardians or relatives are known, at least one letter is written by the juvenile or children every month for which the postage shall be provided by the institution.

(3) The Officer-in-Charge may peruse any letter written by or to the juvenile or children, and may for the reasons that he considers sufficient refuse to deliver or issue the letter and forward it to the Committee after recording his reasons in a book maintained for the purpose.

(4) The Officer-in-Charge shall, in special circumstances or as per orders of the Board or Committee, allow a juvenile or child to make telephonic communication with his parents or guardians or relatives.

59. Death of a juvenile or child.- On the occurrence of any case of death or suicide in an institution the procedure to be adopted shall be as under:-

(1) In the event of an unnatural death or suicide of a juvenile or child in an institution it is imperative for the institution to ensure that an inquest and post-morterm examination is held at the earliest.

(2) In case of natural death or due to illness of a juvenile or child, the Officer-in-charge shall obtain a report of the Medical Officer stating the cause of death and a written intimation about the death shall be given immediately to the nearest Police Station. the Board or Committee, the National or State Commission for Protection of Child Rights, District Child Protection Unit or State Child Protection Unit or any other concerned authority and the parents or guardians or relatives of the juvenile or child.

(3) Whenever a sudden or violent death or death from suicide or accident takes place, immediate information shall be given by the case-worker or probation officer or welfare officer to the officer-in-Charge and the Medical Officer and the Officer-in-Charge shall immediately inform the nearest police station, Board or Committee and parents or guardians or relatives of the deceased juvenile or child.

(4) If a juvenile or child dies within twenty four hours of his admission to the institution, the officer-in-charge of the institution shall report the matter to the officer-in-charge of the police Station having jurisdiction and the District Medical Officer or the nearest Government Hospital and the parents or guardians or relatives of such juvenile or child without delay.

(5) The Officer-in-charge shall also immediately give intimation to nearest Magistrate empowered to hold inquests and to the Board or as the case may be the Committee.

(6) The Officer-in-Charge and the Medical Officer at the institution shall record the circumstances of the death of the child and send a report to the concerned Magistrate, the Officer-in-charge of the police station having jurisdiction, the Committee and the District Medical Officer or the nearest government hospital where the dead body of the juvenile or child is sent for examination, inspection and determination of the cause of death and the Officer-in-charge and the Medical Officer shall also record in writing their views on the cause of the death if any, and submit it to the concerned Magistrate and the Officer-in charge of the police station having jurisdiction.

(7) The officer-in-charge and the Medical Officer shall make themselves available for any inquiries initiated by the police or the Magistrate concerning the cause of death and other details regarding such juvenile or child.

(8) As soon as the inquest is held, the body shall be handed over to the parents or guardian or relatives or, in the absence of any claimant, the last rituals shall be performed under the supervision of the officer-in-charge in accordance with the known religion of the juvenile or child.

60. Abuse and exploitation of the juvenile or child.- (1) Every institution shall have systems of ensuring that there is no abuse, neglect and maltreatment and this shall include the staff being aware of what constitutes abuse, neglect and maltreatment as well as early indicators of abuse, neglect and maltreatment and how to respond to these.

(2) In the event of any physical, sexual or emotional abuse, including neglect of juveniles and children in an institution by those responsible for care and protection, the following action shall be taken:

(i) the incidence of abuse and exploitation must be reported by any staff member of the institution immediately to the Officer-in-Charge on receiving such information;

(ii) when an allegation of physical, sexual or emotional abuse comes to the knowledge of the Officer-in-Charge, a report shall be place before the Board or Committee, who in turn, shall order for special investigation;

(iii) the Board or Committee shall direct the local police station or Special Juvenile Police Unit to register a case, take due cognizance of such occurrences and conduct necessary investigations;

(iv) the Board or Committee shall take necessary steps to ensure completion of all inquiry and provide legal aid as well as counselling to the juvenile or child victim;

(v) the Board or Committee shall transfer such a juvenile or child to another institution or place of safety or fit person;

(vi) the Officer-in-charge of the institution shall also inform the chairperson of the management committee and place a copy of the report of the incident and subsequent action taken before the management committee in its next meeting;

(vii) in the event of any other crime committed in respect of juveniles or children in institutions, the Board or Committee shall take cognizance of arrange for necessary investigation to be carried out by the local police station or Special Juvenile Police Unit;

(viii) the Board or Committee may consult Children's Committee setup in each institution to enquire into the fact of abuse and exploitation as well as seek assistance from relevant voluntary organizations, child rights experts, mental health experts or crisis intervention centres in dealing with matters of abuse and exploitation of juveniles or children in an institution.

61. Juvenile or Child suffering from dangerous diseases or mental health problems.- (1) When a juvenile or a child placed under the care of a fit person or a fit institution under the provisions of the Act, is found to be suffering from a disease or physical or mental health problems requiring prolonged medical treatment, or is found addicted to a narcotic drug or psychotropic substance, the juvenile or the child may be sent by an order of the competent authority to an appropriate place for such period as may be ceritified by medical officer to be necessary for proper treatment of the juvenile or the child or for the remainder of the term for which he has to stay.

(2) When the juvenile or the child is cured of the disease or physical or mental health problems, the competent authority may, if the juvenile or child is still liable to stay, order the juvenile or the child to be place back in the care of fit person or institution from where the juvenile or child was removed for treatment and if the juvenile or the child is no longer liable to be kept under the care of fit person or institution, the competent authority may order him to be discharged.

(3) The order of restoration of a juvenile or a child suffering from an infectious or contagious disease to his parents or guardian shall be based on the principle of best interest of the juvenile or child, keeping in mind the risk of stigmatization and discrimination and discontinuation of treatment.

(4) Where there is no organization either within the jurisdiction of the competent authority, or nearby District or State for care and protection of juveniles or children suffering from serious psychiatric or physical disorder and infection, as required under section 58 of the Act, necessary organization shall be set up by the State Government at such places, as it may deem fit to cater to the special needs of such juveniles or children.

62. Leave of absence of a juvenile or child.- (1) A juvenile or child in an institution may be allowed to go on leave of absence or released under supervision for examination or admission, special occasions like marriage or emergencies like death or accident or serious illness in the family.

(2) While the leave of absence for short period generally not exceeding seven days excluding the journey time may be recommended by the Officer-in-charge, but granting of such leave shall be by the Board or Committee.

(3) The parents or guardian of the juvenile or the Officer-in-charge on behalf of the juvenile or child may submit an application to the Board or Committee requesting for relieving the juvenile or child on leave, stating clearly the purpose for the leave and the period of leave.

(4) While considering the application of leave of absence, the Board or Committee shall hear the juvenile or child or the parents or guardians of the juvenile or child and if the Board or Committee considers that granting of such leave is in the interest of the juvenile or child, appropriate order shall be made and the Board or Committee may call for a report from the probation officer or child welfare officer in case the preliminary information gathered from the juvenile or child or concerned parent or guardian is not sufficient for the purpose.

(5) While issuing orders sanctioning the leave of absence or relieving under supervision, as the case may be, the competent authority shall mention the period of leave and the conditions attached to the leave order, and if any of these conditions are not complied with during the leave period, the juvenile or child may be called back to the institution.

(6) The parent or guardian shall arrange to escort the juvenile or child from and to the institution and where this is not possible, the Officer-in-charge may arrange to escort the juvenile or child to the place of the family and back. In case the parents or guardian is willing to arrange escort but does not have requisite financial means, the Officer-in-charge shall arrange for the traveling expenses as admissible under the rules.

(7) If the juvenile or child runs away from the family during the leave period, the parent or guardian is required to inform the Officer-in-charge of the institution immediately, and try to trace the juvenile or child and if found, the juvenile or child shall be brought back to the institution immediately.

(8) If the juvenile or child is not found within twenty four hours, the Officer-in-Charge shall report the matter to the nearest police station and missing person's bureau, but no adverse disciplinary action shall be taken against the juvenile or child and procedure laid down under the Act shall be followed.

(9) If the parent or guardian does not take proper care of the juvenile or child during the leave period or does not bring the juvenile or child back to the institution within the stipulated period, such leave may be refused on later occasions.

(10) If the juvenile or child does not return to the institution on expiry of the sanctioned leave, the Board or Committee shall refer the case to police for taking charge of the juvenile and bring him back to the institution.

(11) The period of such leave shall be counted as a part of the period of stay in the institution and the time which elapses after the failure of a juvenile to return to the institution within the stipulated period, shall be excluded while computing the period of his stay in the institution.

63. Inspection.-(1) The State Government shall constitute State, District or city level inspection committee on the recommendation of the Selection Committee constituted under rule 91 of these rules.

(2) The inspection committees shall visit and oversee the conditions in the institutions and appropriateness of the processes for safety, well being and permanence, review the standards of care and protection being followed by the institutions, look out for any incidence of violation of child rights, look into the functioning of the Management Committee and Children's Committee set up under rules 55 and 56 of these rules and give appropriate directions.

(3) The team shall also make suggestions for improvement and development of the institution.

(4) The team shall consist of a minimum of five members with representation from the State Government, the Board or Committee, the State Commission for the Protection of Child Rights or the State Human Rights Commission, medical and other experts, voluntary organizations and reputed social workers.

(5) The inspection shall be carried out at least once in every three months.

(6) The inspection visit shall be carried out by not less than three members.

(7) The team may visit the institutions either by prior intimation or make a surprise visit.

(8) The team shall interact with the children during the visits to the institution, to determine their well-being and uninhibited feed back.

(9) The follow up action on the findings and suggestion of the children shall be taken by all concerned authorities.

(10) The action taken report, findings and suggestions from the Inspection Committee shall be sent to the District Child Protection Unit and the State Government.

64. Social Audit.- (1) The Central Government or the State Government shall monitor and evaluate the implementation of the Act annually by reviewing matters concerning establishment of Board or Committee or Special Juvenile Police Unit where required, functioning of Board or Committee or Special Juvenile Police Unit, functioning of institutions and staff, functioning of adoption agencies, child friendly administration of juvenile justice and any other mater concerning effective implementation of the Act in the State.

(2) The social audit shall be carried out with support and involvement of organizations working in the field of mental health, child care and protection and autonomous bodies like the National Institute of Public Co-operation and Child Development, Indian Council for Child Welfare, Childline India Foundation, Central and State level Social Welfare Boards, School of Social Work and School of Law.

65. Restoration and Follow-up.- (1) The order for restoration of the juvenile or child shall be made by the Board or Committee on the basis of a fair hearing of the juvenile or child and his parents or guardian, as well as on the reports of the Probation Officers or Child Welfare Officers or non-governmental organisations directed by the Board or Committee to conduct the home study and any other relevant document or report brought before the Board or Committee for deciding the matter.

(2) The Board or Committee shall send a copy of the restoration order along with a copy of the order for escort as per **Form XXII** to the District Child Protection Unit or State Government who shall provide funds for restoration of the juvenile or child.

(3) Every restoration shall be planned for as part of the individual care plans prepared by the case-workers or counsellors or child welfare officers or probation officer, as the case may be, and shall be based on the review and recommendations of the Management Committee set up under rule 55 of these rules.

(4) Besides police, the Board or Committee shall seek collaboration with non-governmental organisations to accompany juveniles or children back to their family for restoration.

(5) In case of girls, the juvenile or child shall necessarily be accompanied by female escorts.

(6) The expenses incurred on restoration of a juvenile or child, including travel and other incidental expenses, shall be borne by the District Child Protection Unit or State Government.

(7) When a juvenile or child expresses his unwillingness to be restored back to the family, the Board or Committee shall make a note of it in its records in writing and such juvenile or child shall not be coerced or persuaded to go back to the family, particularly if the social investigation report of the child welfare officer or probation officer establishes that restoration to family may not be in the best interest of the juvenile or child or, if the parents or guardians refuse to accept the juvenile or child back.

(8) A follow-up plan shall be prepared as part of the individual care plans by the Child Welfare Officers or Probation Officers or non-governmental organisations assigned by the Board or Committee to assist in restoration of the child.

(9) A quarterly follow-up report shall be submitted to the Board or Committee by the concerned Child Welfare Officer or Probation Officer or non-governmental organisation for a period of two years with a copy to the officer-in-charge of the institution from where the juvenile or child is restored.

(10) The follow-up report shall clearly state the situation of the juvenile or child post restoration and the juvenile's or child's needs to be met by the State Government in order to reduce further vulnerability of the juvenile or child.

(11) The officer-in-charge shall file the follow-up report in the case-file of the juvenile or child and place the report before the management committee set up under rule 55 of these rules in its next meeting.

(12) The officer-in-charge shall also send a copy of the follow-up reports to the District Child Protection Unit.

(13) Where a follow-up is not possible due to unavailability of government functionaries or non-governmental organisations, the concerned District child Protection Unit shall provide necessary assistance and support to the concerned Board or Committee.

66. Visitor's Book.- (1) A visitor's Book shall be maintained, in every institution, in which the person visiting the home shall record the date of his visit with remarks or suggestions, which he may think proper.

(2) The Officer- in-charge shall forward a copy of every such entry to the District Child Protection Unit or State Government, with such remarks as he may desire to offer in explanation or otherwise; and thereon, the designated authority shall issue such orders as he may consider necessary.

67. Maintenance of Registers.- The Officer-in-charge shall maintain in his office, such registers and forms, as required by the Act and as specified by these rules made there under and the list of registers or files or books to be maintained shall minimally comprise of:

(a) Admission and discharge register;
(b) supervision register;
(c) Medical file or medical report;
(d) Nutrition diet file;
(e) Stock register;
(f) Log book;
(g) Order book;
(h) Meeting book;
(i) Cash book;
(j) Budget statement file;
(k) Inquiry report file;
(l) Individual case file with individual care plan;
(m) Children's Suggestion book;
(n) Visitor's book;
(o) Staff movement register;
(p) Personal belongings register;
(q) Minutes register of Management Committee;
(r) Minutes register of Children's Committees; and
(s) Attendance register for staff and juveniles or children.

68. Personnel or Staff of a Home.- (1) The personnel strength of a home shall be determined according to the duty, posts, hours of duty per day and category of children that the staff is meant to cater to.

(2) The institutional organizational set up shall be fixed in accordance with the size of the home, the capacity, workload, distribution of functions and requirements of programmes.

(3) The whole-time staff in a home may consist of Officer-in-charge, Probation Officer (in case of Observation home or Special home), Case Workers (in case of Children's home or shelter home or after care organization), Child Welfare Officers, Counselor, Educator, Vocational Training Instructor, Medical Staff, Administrative staff, Care Takers, house father and house mother, child mentors, volunteers, store keeper, cook, helper, washerman, safai karamchari, gardener as required.

(4) The part-time staff, shall include Psychiatrist, Psychologist, Occupational therapist, and other professionals as may be required by time to time.

(5) The staff of the home shall be subject to control and overall supervision of the Officer-in-charge who by order, shall determine their specific responsibilities and shall keep the concerned authority informed of such orders made by him from time to time.

(6) The duties and responsibilities of the staff under the Officer-in-charge shall be fixed in keeping with the statutory requirements of the Act.

(7) The Officer-in-charge and such other staff who may be required, shall live in the quarters provided for them within the premises of the home.

(8) The number of posts in each category of staff shall be fixed on the basis of capacity of the institution; and the staff shall be appointed in accordance with the educational qualifications, training and experience required for each category.

(9) The suggested staff pattern for an institution with a capacity of 100 juveniles or children could be as mentioned below:

Sl. No. (1)	Staff/Personnel (2)	No. of Posts (3)
1.	Officer-in Charge (Superintendent)	1
2.	Counsellor	2
3.	Probation Officer or Child Welfare Officer or Care Worker	3
4.	House Mother or House Father	4
5.	Educator	2 (voluntary or part time)
6.	Doctor	1
7.	Paramedical staff	1
8.	Store-keeper cum Accountant	1
9.	Art & Craft cum Music Teacher	1 (part time)
10.	PT Instructor cum Yoga Trainer	1 (part time)
11.	Driver	1
12.	Cook	2
13.	Helper	2
14.	Housekeeping	2
15.	Gardener	1 (part time)
	Total	**25**

(10) The number of posts in the category of counsellor, case worker or probation officer, house father or house mother, educator, and vocational instructor shall proportionally increase with the increase in the capacity of the institution.

(11) In case of institutions housing infants, provision for ayahs and paramedical staff shall be made as per the need.

CHAPTER VII
MISCELLANEOUS

69. Recognition of fit persons or fit institution.- (1) Any individual who is willing temporarily to receive a juvenile or child in need of care, protection or treatment for a period as may be necessary, may be recognized by the competent authority as a fit person after due verification of their credentials and reputation.

(2) Any suitable place or institution, the manager of which is willing temporarily to receive a juvenile or child in need of care and protection for a period as may be necessary, may be recognized by the State Government as a fit institution on the recommendation of the competent authority.

(3) An institution recognized as a fit institutions shall,-

(a) meet the standards of care laid down in the Act and the rules made thereunder;

(b) have the capacity and willingness to meet the standards of care laid down in the Act and the rules;

(c) receive and provide basic services for care and protection of the juveniles and children;

(d) prevent subjection of juvenile or child to any form of cruelty or exploitation or neglect; and

(e) abide by the orders of the competent authority.

(4) A list of fit institutions approved by the State Government shall be kept in the office of the Board and the Committee.

(5) A fit institution with collateral branches may send the juvenile or child placed therein by an order of the competent authority to any of its branches after seeking permission from the competent authority.

(6) Before declaring any person as a fit person or recommending an institution as a fit institution, the competent authority shall hold due enquiry and only on being satisfied, recognition shall be given.

70. Certification or recognition and transfer of Management of Institutions and after care organizations.-(1) Any organization desiring certification under the Act shall make an application together with a copy each of the rules, bye-laws articles of association, list of members of the society or the association running the organization, office bearers and a statement showing the status and past record of specialized childcare services provided by the organization, to the State Government, who shall after verifying the provisions made in the organization for the boarding and lodging, general health, educational facilities, vocational training and treatment services may grant certification or recognition under sections 8,9,34, 37, 41 and 44 of the Act, as the case may be, on the condition that the organization shall comply with the standards or services as laid down under the Act and the rules framed their under, from time to time and to ensure an all round growth and development of juvenile or child placed under its charge.

(2) Any organization desiring recognition under the Act shall make an application to the Competent Authority, who shall after due inquiry, recommend the State Government for such recognition.

(3) The State Government may, transfer the management of any State run institution under the Act to a voluntary organization of repute, who has the capacity to run such an institution; and certify or recognize the said voluntary organization as a fit institution to own the requisite responsibilities under a Memorandum of Understanding for a Specified period of time.

(4) The State Government may, if dissatisfied with the conditions, rules, management of the organization certified or recognized under the Act, at any time, by notice served on the manager of the organization, declare that the certificate or recognition of the organization, as the case may be, shall stand withdrawn as from a date specified in the notice and from the said date, the organization shall cease to be an organization certified or recognised under sections 8, 9, 34, 37, 41 or 44 of the Act, as the case may be:

Provided that the concerned organization shall be given an opportunity of making a representation in writing, within a period of thirty days, against the grounds of withdrawal of certificate or recognition of that organization.

(5) The decision to withdraw or to restore the certificate or recognition of the organization may be taken, on the basis of a thorough investigation by a specially constituted advisory board under section 62 of the Act.

(6) On the report of the advisory board, the Officer-in-charge of the institution shall be asked to show cause so as to give an explanation within thirty days.

(7) When an organization ceases to be an organization, certified or recognised under sections 8, 9, 34, 37, 41 or 44 of the Act, the juvenile or the child kept therein shall, be transferred to some other institution of repute, certified or recognized under sections 8, 9, 34, 37, 41 or 44 of the Act or discharged, in accordance with the provisions of the Act and the rules relating to their discharge and transfer by giving intimation of such discharge or transfer to the Board or the Committee, as the case may be.

71. Registration under the Act.- (1) All institutions and organisations running institutional or non-institutional care services for children in need of care and protection, whether run by the government or voluntary organization, shall get themselves registered under sub-section (3) of section 34 of the Act.

(2) All such institutions shall make an application together with a copy each of rules, bye-laws, memorandum of association, list of governing body, office bearers, balance sheet of past three years, statement of past record of social or public service provided by the institution or organization to the State Government, who shall after verifying that provisions made in the institution or organization for the care and protection of children, health, education, boarding and lodging facilities, if any, vocational facilities and scope of rehabilitation, may issue a registration certificate to such organization under sub-section (3) of section 34 of the Act and as per this rule.

72. Grant in aid to certified or recognized organization.- (1) An organization certified or recognized or registered under sections 8, 9, 34, sub-section (3) of section 34, 37 or 44 of the Act, may during the period when certification or recognition or registration is in force, may apply for grants-in-aid by the State Government, for the maintenance of juvenile or child received by them under the provisions of the Act; and for expenses incurred on their education, treatment, vocational training, development and rehabilitation.

(2) The grants-in-aid may be admissible, at such rates, which shall be sufficient to meet the prescribed norms, in such manner and subject to such conditions as may be mutually agreed to by both the parties.

(3) In case of transfer of management of government run homes under sections 8, 9, 34, sub-section (3) of section 34, 37, and 44 of the Act to a voluntary organization, the same budget which the Government was spending on that home, shall be given to the voluntary organization as grant-in-aid under the Memorandum of Understanding signed between both the parties describing their role and obligations.

73. Admission of outsiders.- (1) No stranger shall be admitted to the premises of the institution, except with the permission of the Officer-in-charge or on an order from the Board or Committee.

(2) In special cases, where parents or guardians have travelled a long distance from another state or district, the Officer-in-Charge shall allow parents or guardians entry into the premises and a meeting with their children, provided they possess proper identification and are not reported to have subjected the juvenile or child to abuse and exploitation.

74. Identity Photos.- (1) On admission to a home established under the Act, every juvenile or child shall be photographed.

(2) One photograph shall be kept in the case file of the juvenile or the child, one shall be fixed with the index card, a copy shall be kept in an album serially numbered with the negative in another album, and a copy of the photograph shall be sent to the Board or Committee as case may be, as well as to the district or State Child Protection Unit.

(3) In case of a child missing from an institution or in case of lost children received by an institution, a photograph of the child with relevant details shall be sent to the missing person's bureau and the local police station.

75. Police Officers to be in plain clothes.- While dealing with a juvenile or a child under the provisions of the Act and the rules made thereunder, except at the time of arrest, the Police Officer shall wear plain clothes and not the police uniform.

76. Prohibition on the use of handcuffs and fetters.- No child or the juvenile in conflict with law dealt with under the provisions of the Act and the rules made there under shall be handcuffed or fettered.

77. Procedure to be followed by a Magistrate not empowered under the Act.- (1) When any juvenile or child is produced before a Magistrate other than Board or Committee, and the Magistrate is of the opinion that such person is a juvenile or child, he shall record his reasons and send the juvenile or child to the appropriate competent authority.

(2) In case of a juvenile produced before a Magistrate not empowered under this Act, such Magistrate shall direct the case to be transferred to the Board for inquiry and disposal.

(3) In case of a child in need of care and protection produced as a victim of a crime before a Magistrate not empowered under the Act, such Magistrate shall transfer the matter concerning care and protection, rehabilitation and restoration of the child to the appropriate Committee.

78. Transfer.- (1) During the inquiry, if it is found that the juvenile or child hails from a place outside the jurisdiction of the Board or Committee, the Board or Committee shall order the transfer of the juvenile or child and send a copy of the order to the State Government or State or District Child Protection Unit.

Provided that:

(i) such transfer is in the best interest of the juvenile or child;

(ii) no child shall be transferred or proposed to be transferred only on the ground that the child has created problems or, has become difficult to be managed in the existing institution or, is suffering from a chronic or terminal illness or, on account of disability;

(iii) such transfer shall only take place after the completion of evidence and cross; examination that may be required in a legal proceeding involving a juvenile or child; and

(iv) the reasons for and circumstances of such transfer are recorded in writing.

(2) The State Government or State or District Child Protection Unit shall accordingly:

(i) send the information of transfer to the appropriate competent authority having jurisdiction over the area where the child is ordered to be transferred by the Board or Committee; and

(ii) send a copy of the information to the Officer-in-charge of the institution where the child is placed for care and protection at the time of the transfer order.

(3) On receipt of copy of the information from the State Government or State or District Child Protection Unit, the Officer-in-charge shall arrange to escort the child at government expenses to the place or person as specified in the order.

(4) On such transfer, case file and records of the juvenile or child shall be sent along with the juvenile or child.

79. Procedure for sending a juvenile or child outside the jurisdiction of the competent authority.- (1) In the case of a juvenile or a child whose ordinary place of residence lies outside the jurisdiction of the competent authority, and if the competent authority considers it necessary to take action under section 50 of the Act, it shall direct a probation officer or case worker or child welfare officer, as the case may be, to make enquiries as to the fitness and willingness of the relative or other person to receive the juvenile or the child at the ordinary place of residence, and whether such relative or other fit person can exercise proper case and control over the juvenile or the child.

(2) Where a juvenile or child is ordered to be sent to the ordinary place of residence or to a relative or fit person, execution of a bond by the juvenile or child without any surety, in **Form VI,** is necessary along with an undertaking by the said relative or fit person in **Form V or IX** as the case may be.

(3) Any breach of a bond or undertaking or of both given under sub-rule (2) of this rule, shall render the juvenile liable to be brought before the competent authority, who may make an order directing the juvenile to be sent to an institution home.

(4) Any juvenile or a child, who is a foreign national and who has lost contact with his family shall also be entitled for protection.

(5) The juvenile or the child, who is a foreign national, shall be repatriated, at the earliest, to the country of his origin in co-ordination with the respective embassy or High Commission.

(6) The Board or Committee shall keep the Ministry of External Affairs informed about repatriation of every juvenile or child of foreign nationality carried out on the orders of the Board or Committee.

(7) A copy of the order passed by the competent authority under section 50 of the Act shall be sent to-

(a) the probation officer or child welfare officer who was directed to submit a report under sub-rule (1) of this rule;

(b) the probation officer or child welfare officer, if any, having jurisdiction over the place where the juvenile or the child is to be sent;

(c) the competent authority having jurisdiction over the place where the juvenile or the child is to be sent; and

(d) the relative or the person who is to receive the juvenile or the child.

(8) During the pendency of the order under sub-rule (6) of this rule, the juvenile or the child shall be sent by the competent authority to an observation home or children's home as the case may be.

(9) Where the competent authority considers it expedient to send the juvenile or the child back to his ordinary place of residence under section 50, the competent authority shall inform the relative or the fit person, who is to receive the juvenile or the child accordingly; and shall invite the said relative or fit person to come to the home, to take charge of the juvenile or the child on such date, as may be specified by the competent authority.

(10) The competent authority inviting the said relative or fit person under sub-rule (8) of this rule may also direct, if necessary, the payment to be made by the Officer-in charge of the home, of the actual expenses of the relative or fit person's journey both ways by the appropriate class and the juvenile's or child's journey from the home to his ordinary place of residence, at the time of sending the juvenile or the child.

(11) If the relative or the fit person fails to come to take charge of the juvenile or the child on the specified date, the juvenile or the child shall be taken to his ordinary place of residence by the escort of the observation home and in the case of a girl, at least one escort shall be a female.

80. State Child Protection Unit.- The specific functions of the State Child Protection Unit shall include:

(a) implementation of the Act and supervision and monitoring of agencies and institutions under the Act;

(b) Set up, support and monitor the District Child Protection Units;

(c) represent State Child Protection Unit as a member in the Selection Committee for appointment of members of Boards or Committees;

(d) make necessary funds available to the District Child Protection Units for providing or setting up required facilities to implementation the Act;

(e) network and coordinate with all government departments to build inter-sectoral linkages on child protection issues, including Departments of Health, Education, Social Welfare, Urban Basic Services, Backward Classes & Minorities, Youth Services, Police, Judiciary, Labour, State AIDS Control Society, among others;

(f) network and coordinate with civil society organizations working for the effective implementation of the Act;

(g) training and capacity building of all personnel (Government and Non-government) working under the Act;

(h) establish Minimum Standards of Care and ensure its implementation in all institutions set up under the Act;

(i) review of the functioning of Committees; and

(j) all other functions necessary for effective implementation of the Act.

81. District Child Protection Unit.- (1) The District Child Protection Unit shall coordinate and implement all child rights and protection activities at district level.

(2) The specific functions of the District Child Protection Unit shall include:

(a) ensure effective implementation of the Act at district or city levels by supporting creation of adequate infrastructure, such as, setting up Boards, Committees, Special Juvenile Police Units and homes in each districts;

(b) identify families at risk and children in need of care and protection;

(c) assess the number of children in difficult circumstances and creating district-specific databases to monitor trends and patterns of children in difficult circumstances;

(d) periodic and regular mapping of all child related services at district for creating a resource directory and making the information available to the Committees and Boards from time to time;

(e) implement family based non-institutional services including sponsorship, foster care, adoption and after care;

(f) ensure setting up of District, Block and Village level Child Protection Committees for effective implementation of programmes as well as discharge of its functions;

(g) facilitate transfer of children at all levels for either their restoration to their families or placing the child in long or short-term rehabilitation through institutionalization, adoption, foster care and sponsorship;

(h) supporting State Adoption Resource Agency in implementation of family based non-institutional services at district level;

(i) network and coordinate with all government departments to build inter-sectoral linkages on child protection issues, including Departments of Health, Education, Social Welfare, Urban Basic Services, Backward Classes & Minorities, Youth Services, Police, Judiciary, Labour, State AIDs Control Society, among others;

(j) network and coordinate with civil society organizations working under the Act;

(k) develop parameters and tools for effective monitoring and supervision of agencies and institutions in the district in consultation with experts in child welfare'

(l) supervise and monitor all institutions or agencies providing residential facilities to children in district;

(m) train and build capacity of all personnel (Government and Non-government) implementing the Act to provide effective services to children;

(n) organize quarterly meeting with all stakeholders at district level including CHILDLINE, Specialized adoption Agencies, Officer-in-charges of homes, non-governmental organisations and members of public to review the progress and implementation of the Act; and

(o) liaison with the State Child Protection Unit, State Adoption Resource Agency at State level and District Child Protection Units of other districts.

82. Setting of the child Welfare Committee.- (1) The State Government shall set up by notification in Official gazette Child Welfare Committees under section 29 of the Act in every district with requisite infrastructure, personnel, and finances for smooth running, as listed below:

(a) the infrastructure shall consist of a sitting hall, a separate room for the Committee, room for office staff, waiting room for children waiting room for parents or guardian, room for personal interaction between the child or parents and the Committee, a record room, safe drinking water facility and toilets;

(b) the State Government shall provide necessary human resource support for every Committee, including welfare officer, steno-typist or computer operator, peon, safai karamchari.

(2) The allowances of the Chairperson and Members shall be disbursed by the District Child Protection Unit or State Government as per rule 23 of these rules.

83. Setting up of juvenile justice Board.- The State Government shall set up by notification in Official Gazette, Juvenile Justice Board in every district, with requisite infrastructure, personnel, besides the Principal Magistrate and Members and Finances as listed below:

(1) Infrastructure shall consist of a Board Room, waiting room for children, a room for Principal Magistrate and Members, a record room, room for Probation Officers, waiting room for parents and visitors, safe drinking water facility and toilets.

(2) The State Government shall provide necessary human resource support for every Board, including probation officer, Steno-typist or computer operator, peon, safai karamchari.

84. Special Juvenile Police Unit.- (1) The Sate Government shall appoint a Special juvenile Police Unit at the District level within four months of the notification of these rules and the unit shall consist of a juvenile or child welfare officer of the rank of police inspector and two paid social workers having experience of working in the field of child welfare, of whom one shall be a woman.

(2) The District Child Protection Unit or the State Government shall provide services of its two social workers to the Special Juvenile Police Unit for discharging their duties.

(3) The juvenile or child welfare officer at the police station shall be a person with aptitude and appropriate training and orientation to handle the cases of juveniles or children in terms of the provisions of the Act.

(4) The transfer and posting of the designated Juvenile or Child Welfare Officer shall be within the Special Juvenile Police Units of other police stations or district unit, unless there is an exceptional case of promotion and in such cases, other police officer must be designated and deputed in the unit so that there is no shortfall.

(5) Special Juvenile Police Unit at district level shall coordinate and function as a watch-dog for providing legal protection against all kinds of cruelty, abuse and exploitation of child or juvenile.

(6) The unit shall take serious cognizance of adult perperators of crimes against children and see to it that they are without delay apprehended and booked under the appropriate provisions of the law and for this purpose the district level units shall maintain liaison with other units of police station.

(7) The Special Juvenile Police Units shall seek assistance from the voluntary organizations, panchayats and gramsabhas or Resident Welfare Associations in identifying juveniles in conflict with law as well as reporting cases of violence against children, child neglect and child abuse.

(8) The Special Juvenile Police Units shall particularly seek assistance from voluntary organizations recognized as protection agencies by the State Government for the purpose of assisting Special Juvenile Police Units and local police stations at the time of apprehension, in preparation of necessary reports, for taking charge of juveniles until production and at the time of production before the Board as per rule 11 (12) of these rules.

(9) The Superintendent of Police in a district shall head the Special Juvenile Police Unit and oversee its functioning from time to time.

(10) A Nodal Officer from Police not less than the rank of Inspector General of Police shall be designated in each State to coordinate and upgrade role of police on all issues pertaining to care and protection of children or juveniles under Act.

(11) Any police officer found guilty, after due inquiry, of torturing a child, mentally or physically, shall be liable to be removed from service, besides being prosecuted for the offence.

85. Honorary or Voluntary Welfare Officers and Probation Officers.- To augment the existing probation service, honorary or voluntary welfare officers and probation officers may be appointed from the voluntary organization and social workers found fit for the purpose by the competent authority and their services may also be co-opted into the implementation machinery by the orders of the competent authority.

86. Duties of the Officer-in-Charge of an institution.- (1) The Officer-in-charge shall have the primary responsibility of maintaining the institution and shall stay within the institutional premises to be readily available as and when required by the juveniles or children and the staff and in case where an accommodation is not available within the institutional premises, the Officer-in-charge shall stay at a place in close proximity to the institution till such time that such an accommodation is made available within the institution.

(2) The general duties and functions of the Officer-in-charge shall include:

(a) compliance with provisions of the Act and the rules and orders made thereunder;

(b) compliance with the orders of the Board or Committee;

(c) providing homely atmosphere of love, affection, care, development and welfare for juveniles or children;

(d) maintaining minimum standards of care in the institution:

(e) proper maintenance of buildings and premises;

(f) security measures and periodical inspection, including daily inspection and rounds of the institution, proper storage and inspection of food stuffs as well as food being served;
(g) supervision and monitoring of juveniles' or children's discipline and well being;
(h) planning implementation and coordination of all institutional activities, programmes and operations, including training and treatment programmes or correctional activities as the case may be;
(i) prompt action to meet emergencies;
(j) ensuring accident and fire preventive measures within the institutional premises;
(k) stand-by atrrangements for water storage, power plant, emergency lighting;
(l) careful handling of plants and equipments;
(m) segregation of a juvenile or child suffering from contagious or infectious diseases;
(n) observance and follow-up of daily routine;
(o) filing of monthly report of juvenile or child in the case file;
(p) organize local and national festivals in the institution;
(q) organize trips or excursions or picnics for juveniles or children;
(r) preparation of budget and control over financial matters;
(s) allocation of duties to personnel;
(t) supervision over office administration, including attending to personnel welfare and staff discipline;
(u) prompt, firm and considerate handling of all disciplinary matters;
(v) organize the meetings of the Management Committee set up under rule 55 of these rules and provide necessary support.
(w) maintenance of all records and registers required under the Act and the rules and monthly verification of the same by the Management Committee set up under rule 55 of these rules;
(x) liaison, coordination and cooperation with the District Child Protection Unit or State Government as and when required; and
(y) coordination with the legal officer in the District Child Protection Unit to ensure that every juvenile is legally represented and provided free legal aid and other necessary support or, where the District Child Protection Unit has not been set up, services of the District or State Legal Services Authority shall be made available.

87. Duties of a Probation Officer or Child Welfare Officer or Case Worker.- (1) Every probation officer or child welfare officer or case-worker shall carry out all directions given by the Board or Committee or concerned authority and shall perform the following duties, functions and responsibilities:

(a) making social investigation of the juvenile **(Form IV)** or the child **(Form XIII)** through personal interview and from the family, social agencies and other sources;
(b) attending the proceedings of the Board or Committee and submitting reports as and when required;
(c) clarifying problems of the juvenile or the child and dealing with their difficulties in institutional life;
(d) participating in the orientation, monitoring, education, vocational and rehabilitation programmes;
(e) establishing co-operation and understanding between the juvenile or the child and the Officer-in-charge;
(f) assisting the juvenile or the child to develop contacts with family and also providing assistance to family members;
(g) developing a care plan for every child in consultation with the juvenile or child and following up its implementation;
(h) participating in the pre-release programme and helping the juvenile or the child to establish contacts which can provide emotional and social support to juvenile or child after their release;

(i) establishing linkages with voluntary workers and organizations to facilitate rehabilitation and social reintegration of juveniles and to ensure the necessary follow-up;

(j) follow-up of juveniles after their release and extending help and guidance to them;

(k) visiting regularly the residence of the juvenile or child under their supervision and also places of employment or school attended by such juvenile or child and submitting fortnightly reports as prescribed in **Form XXI;**

(l) accompanying juveniles or children where ever possible, from the office of the Board to observation home, special home, children's home or fit person as the case may be; and

(m) maintaining case file and such registers as may be specified from time to time.

(2) On receipt of information from the Police or Juvenile or Child Welfare Officer of the Police under clause (b) of section 13 of the Act, the probation officer shall inquire into the antecedents and family history of the juvenile or the child and such other material circumstances, as may be necessary and submit a social investigation report as early as possible, in **Form IV or XIII,** to the Board.

88. Duties of House Father or House Mother.- (1) The general duties, functions and responsibilities of a house father, house mother and other care takers shall be as follows:

(a) handling juvenile or child with love and affection;

(b) taking proper care and welfare of juvenile or child;

(c) maintaining discipline among the juveniles or children;

(d) maintenance, sanitation and hygiene;

(e) implementing daily routine in an effective manner and ensuring children's involvement;

(f) looking after the security and safety arrangements of the home; and

(g) escorting juveniles or children, whenever they go out of the home.

89. Disqualification for officer-in-charge, probation officer or child welfare officer or case-worker, house father or house mother and other care givers and staff.- (1) The officer-in-charge, probation officer or child welfare officer or case-worker, house father or house mother and other care givers and staff shall not employ a juvenile or child under their supervision or care and protection for their own purposes or take any private service from them.

(2) Any report of physical, sexual or emotional abuse of a juvenile or a child in an institution or outside, by a caregiver, shall hold them liable for disqualification after due inquiry.

90. Training of Personnel.- (1) The State Government or the Officer-in-charge shall provide for training of personnel of each category of staff, in keeping with their statutory responsibilities and specific jobs requirements.

(2) The training programme shall include-

(a) Orientation and induction training of the newly-recruited staff,

(b) refresher training courses and skill enhancement programmers for all care givers once a year, and

(c) staff conferences, seminars, workshops

(3) The State Government with the help on the State Child Protection Unit, National Institute of Public Cooperation and Child Development and its Regional Centres shall organize regular training and capacity building of personnel involved in the implementation of the Act and the rules made thereunder.

91. Selection Committee and its composition.- The State Government Shall constitute a Selection Committee by notification in the official gazette, for a period of five years, consisting of the following seven members, namely:

(a) a retired judge of High Court as the Chairperson;

(b) one representative from the concerned Department of State Government not below the rank of Director as the Member Secretary;

(c) two representatives from a reputed non-governmental organization, working in the area of child welfare;

(d) two representatives from academic bodies concerned with social work, psychology, sociology, child development, education, law, criminology and with experience of working on children's issues; and

(e) a representative of the National or State Human Rights Commission or, National or State Commission for Protection of Child Rights or, National or State Commission for Women.

92. Functions of the Selection Committee.-(1) (a) In making appointment of members of the Board or Committee, the Selection Committee shall take into consideration the applications received in this regard in response to a public advertisement to this effect by the District or State Child Protection Unit or the State Government; and

(b) The Selection Committee shall select and recommend a panel of names to the State Child Protection Unit or State Government for appointment as members of the Board or Committee from amongst the applications received.

(2) In the event of any complaint against a member of the Board or Committee, the Selection Committee shall hold necessary inquiry and recommend termination of appointment of such member to the State Child Protection Unit or State Government, if required.

(3) (a) The Selection Committee, at the time of recommending names for appointment as member of Board or Committee shall also prepare a panel of names for each Board or Committee to fill in vacancies, which may arise during the tenure of the Board or Committee.

(b) In the event of a vacancy in the Board or Committee, the District Child Protection Unit shall inform the State Child Protection Unit or State Government for filling up such vacancy.

(c) The State Child Protection Unit or State Government shall fill the vacancies on the basis of the panel of names recommended by the Selection Committee.

(4) The Selection Committee shall recommend names for constitution of the State or District or City level Inspection Committees as required under section 35 of the Act.

93. Advisory Boards.-(1) The Central Government and the State Government shall constitute advisory Board at central, State, District, City levels for a period of three years.

(2) The Central Advisory Board shall be constituted through the Union Ministry of Women and Child Development.

(3) The State Government shall constitute the State Advisory Board, District Advisory Board and the City Advisory Board.

(4) All the Advisory Boards shall hold at least two meetings in a year.

(5) These Advisory Boards shall inspect the various institutional or non-institutional services in their respective jurisdictions; and the recommendations made by them, shall be acted upon by the Central Government and the State Government.

(6) The Central Government through the Central Ministry of Women and Child Development shall set up the Central Advisory Board to be headed by the Minister concerned and shall consist of the Secretary of the Ministry aforesaid, representatives from State Governments, representative members from the competent authority, leading non-governmental organisations, experts in child or juvenile care, children's institution and academic institutions as members.

(7) A designated official of the Central Ministry of Women and Child Development shall function as the Member Secretary of the Central Advisory Board.

(8) The State Government, through the Selection Committee constituted under rule 91 of these rules, shall set up State, District and City level Advisory Boards, which shall consist of representatives of the State Government, members of the competent authority, academic institutions, locally respectable and spirited citizens, representatives of non-governmental organizations.

(9) The District or City level Advisory Board constituted in terms of sub-section (3) of section 62 of the Act shall also function as the inspection committee under section 35 of the Act.

(10) The termination, resignation, or other vacancy caused in an advisory board and appointment of new members therein shall be done in the same manner as is done in case of the competent authority.

94. Openness & Transparency.- (1) All Children's homes shall be open to visitors with the permission of the Officer-in-charge and the Committee or Officer-in-charge as the case may be, may consider appropriate to allow representatives of local self government, voluntary organizations, social workers, researchers, medicos, academicians, prominent personalities, media and any other persons as visitors, as the Officer-in-charge considers appropriate keeping in view the security, welfare and the interest of the children.

(2) The Officer-in-charge of the home shall encourage active involvement of local community in improving the conditions in the homes, if, the members of the community want to serve the institution or want to contribute through their expertise.

(3) The Officer-in-charge shall maintain a visitors book and the remarks of the visitors given there in shall be considered by the advisory inspecting authority.

(4) While visiting an institution, the visitors will not say or do anything that undermines the authority of the Officer-in-charge or is in contravention of the Act or rules or impinges on the dignity of the children.

(5) The visitors may be allowed to visit observation homes and special homes with the permission of the competent authority.

95. Juvenile Justice Fund.- (1) The State Government shall create a Fund at the State level under section 61 of the Act to be called the `Juvenile Justice Fund' (herein under referred to as the Fund) for the welfare and rehabilitation of the juvenile or the child dealt with under the provisions of the Act.

(2) In addition to donations, contributions or subscriptions coming under sub-section (2) of section 61, the Central Government shall also make contribution to the Fund.

(3) The Fund shall be applied:

(a) to implement programmes for the welfare, rehabilitation and restoration of juveniles or children;

(b) to pay grant-in-aid to non-governmental organizations;

(c) to meet the expenses of State Advisory Board and its purpose;

(d) to do all other things that are incidental and necessary for the above purposes.

(4) The management and administration of the Fund shall be under the control of the State Advisory Board under sub-section (3) of section 61 of the Act.

(5) The assets of the Fund shall include all such grants and contributions, recurring or non-recurring, from the Central Government and State Government or any other statutory or non-statutory bodies set up by the Central or State Government as well as the voluntary donations from any individual or organization.

(6) All withdrawals shall be made by cheques or requisitions, as the case may be, signed by the secretary-cum-treasurer and in the case of amounts exceeding rupees one thousand, they shall be signed duly by the secretary-cum treasurer and a member of the board of management to be nominated by the State Advisory Board.

(7) The regular accounts shall be kept of all money and properties, and all incomes and expenditure of the Fund and shall be audited by a notified firm of Chartered Accountants, or any other recognized authorities as may be appointed by the Board.

(8) The auditors shall also certify the expenditure from the Fund made by the secretary-cum-treasurer.

(9) All contracts and other assurances shall be in the name of the board of management and signed on their behalf by the secretary-cum-treasurer and one member of the board of the management authorised by it for the purpose.

(10) The board of management shall invest for the time being the proceeds of sale or other disposal of the property, as well as any money or property not immediately required to be used to serve the objective of the Fund, in any one or more of the modes of investment authorised by law for the investment of trust moneys as the board of management may think proper.

(11) The board of management may delegate to one or more of the members such of its powers, which in its opinion are merely a procedural arrangement.

96. Application of these rules.- It is hereby declared that until the new rules conforming to these rules are framed by the State Government concerned under section 68 of the Act, these rules shall mutatis mutandis apply in that State.

97. Pending Cases.- (1) No juvenile in conflict with law or a child shall be denied the benefits of the Act and the rules made thereunder.

(2) All pending cases which have not received a finality shall be dealt with and disposed of in terms of the provisions of the Act and the rules made thereunder.

(3) Any juvenile in conflict with law, or a child shall be given the benefits under sub-rule (1) of this rule, and it is hereby clarified that such benefits shall be made available to all those accused who were juvenile or a child at the time of commission of an offence, even if they cease to be a juvenile or a child during the pendency of any inquiry or trial.

(4) While computing the period of detention or stay or sentence of a juvenile in conflict with law or of a child, all such period which the juvenile or the child has already spent in custody, detention, stay or sentence of imprisonment shall be counted as a part of the period of stay or detention or sentence of imprisonment contained in the final order of the court or the Board.

98. Disposed off cases of juveniles in conflict with law.- State Government or as the case may be the Board may, either suo motu or on an application made for the purpose, review the case of a person or a juvenile in conflict with law, determine his juvenility in terms of the provisions contained in the Act and rule 12 of these rules and pass an appropriate order in the interest of the juvenile in conflict with law under section 64 of the Act, for the immediate release of the juvenile in conflict with law whose period of detention or imprisonment has exceeded the maximum period provided in section 15 of the said Act.

99. Disposal of records or documents.- The records or documents in respect of a juvenile or a child or a juvenile in conflict with law shall be kept in a safe place for a period of seven years and no longer, and thereafter be destroyed by the Officer-in-charge or Board or Committee, as the Case may be.

100. Repeal.- The Juvenile Justice (Care and Protection of Children) Rules, 2001, notified vide F. No. 1-3 /20001-SD, dated the 22nd June, 2001 in the Gazette of India, Extraordinary, Part I, Section I of the Same date is hereby repealed.

SCHEDULE-1

Clothing, bedding, toiletries and other articles (rule 41)

(1) Juvenile or children shall be provided with the following articles:

Bedding		
S.No.	**Article**	**Quantity to be provided per child**
1.	Towels	4 Per year
2.	Cotton Bed Sheets	2 Per 2 Year
3.	Pillow (Cotton stuffed)	1 Per 2 Year
4.	Pillow Covers	2 Per 2 Year
5.	Woolen blankets	2 Per 2 Years
6.	Cotton Durry	2 Per 2 Years
7.	Cotton filled quilt	1 Per 2 Years (in cold regions)
8.	Mattress	1 Per 2 Years
9.	Mosquito Net	1 Per 2 Years

Clothing for girls		
1.	Skirts & Blouse or Salwar Kameez or Half Sari with blouses and petticoats	5 sets per year for girls depending on age and regional preferences
2.	Banyans (1 Metre each)	6 per year for younger girls
3.	Brassieres	6 per year for older girls
4.	Panties (1 Metre Cloth each)	6 per year
5.	Sanitary Towels	12 packs per year for older girls
6.	Woolen Sweaters	2 in 2 years (in cold regions)
7.	Woolen Shawls	1 in 2 years (in cold regions)

Clothing for boys		
1.	Shirts	5 sets per year
2.	Shorts	5 sets per year for younger boys
3.	Pants	5 sets per year for older boys
4.	Vest	4 sets per year
5.	Underwear	4 sets per year
6.	Woolen Jerseys	2 in 2 years (for cold regions)
7.	Scarfs	2 in 2 years (for cold regions)

Miscellaneous Articles

1.	Slippers	1 pair per year
2.	Shoes	1 pair per year
3.	School Uniform	2 sets per year for children attending outside schools
4.	School Shoes	1 pair per year for children attending outside schools
5.	School Bag and Stationery	1set per year for children attending outside schools
6.	Handkerchiefs	6 per year

Note:

a) In addition to the clothing specified above, each child shall be provided, once in three years, with a suit consisting of one white shirt, one pair of Khaki shirts or pants, one pair of white canvas shoes and one blazer (for cold regions) for use during ceremonial occasions. In the case of girls it shall be one white half sari or one salwar kameez or one white skirt and one white blouse, a pair of white canvas shoes and a blazer (for cold regions).

(2) In every hospital attached to the institution where there is provision for in patient cots, the following scale has to be followed:

	Night clothing & bedding	Scale for supply
1	Mattress	One per bed per 3 years
2.	Cotton Bed Sheets	Four per bed per year
3.	Pillows	One per bed per two year
4.	Pillow Covers	Four per bed per year
5.	Woollen blankets	One per bed per 2 years
6.	Pyjamas and loose shirts (Hospital type for boys)	3 pairs per child per year
7.	Skirts and blouses or salwar kameez for girls	3 pairs per child per year
8	Cotton durry	One per bed per three years

Note:

(i) When a child is admitted as an in-patient in the institution Hospital, the Institution Doctor shall issue the in-patient with the hospital clothing, the clothes on body being preserved, duly washed and handed back, at the time of the child's discharge from the hospital.

(ii) Each child shall be provided with Kit Box or a Locker, as per convenience and necessity.

(iii) The Superintendent shall make arrangements for two-tier bed system in place of conventional cots, as per convenience and necessity.

(3) Toiletry: Every resident of the Home shall be issued with oil, soap, and other material for in accordance with the following scales:

Hair oil for grooming the hair — 100 mgs per month
Toilet soap or carbolic soap — 1 large bar per month
Tooth paste and brush — 1 Brush per 3 months 50 gms paste per month
Comb — I per year

Note:

(a) For washing of cloth and towels, bed-sheet etc., the following scale may be followed:

(i) Washing Soap — 1 soap for one month (125 gms)
(ii) Whitening/bleaching agent — to the extent required only for white clothing

Provided, however, the hospital clothing is not mixed with other clothing at the time of washing and if necessary, the Superintendent can issue the above items separately for washing of hospital clothing.

(b) The children attending school outside the institution may be issued with one additional bar of washing soap (100 gms) per head per month for washing their school uniform.

(4) The following items shall be provided for maintaining the Homes in a healthy and sanitary condition:

	Item	Scale of supply
(1)	Broom Stick	25 to 40 Nos per month depending on the area of the institution
(2)	DDT spray	As per the institution Doctor's advice
(3)	Effective bugs killing agent	As required
(4)	Phenyl and cleaning acid (daily)	Depending on the area of lavatories to be cleaned as per institution Doctor's advice.

SCHEDULE-II

Nutrition and Diet Scale (rule 44)

Name of the articles of diet	**Scale per head per day**
(1) Rice/Wheat/Ragi/Jowar	600 Gms, (700 Gms for 16-18 yrs age) of which atleast 100 gms to be either Wheat or Ragi or Jowar
(2) Dal/ Rajma/ Chana	120 Gms
(3) Edible Oil	25 Gms
(4) Onion	25 Gms
(5) Salt	25 Gms
(6) Turmeric	05 Gms
7) Coriander Seed Powder	05 Gms
(8) Ginger	05 Gms
(9) Garlic	05 Gms
(10) Tamarind/ Mango powder	05 Gms
(11) Milk (at breakfast)	150 ml
(12) Dry Chillies	05 Gms
(13) Vegetables Leafy Non-leafy	100 Gms 130 Gms
(14) Curd or Butter Milk	100 Gms/Ml
(15) Chicken once a week or Eggs 4 days	115 Gms
(16) Jaggery & Ground Nut Seeds or Paneer (vegetarian only)	60 Gms each (100 Gms for paneer) once in a week
(17) Sugar	40 Gms
Following items for 50 Children per day	
(18) Pepper	25 Gms

Name of the articles of diet	Scale per head per day
(19) Jeera Seeds	25 Gms
(20) Black Gramdall	50 Gms
(21) Mustard Seeds	50 Gms
(22) Ajwain Seeds	50 Gms
On Chicken Day for 10 K.g. of Chicken	
(23) Garam Masala	10 Gms
(24) Kopra	150 Gms
(25) Khas Khas	150 Gms
(26) Groundnut Oil	500 Gms
For Sick Children	
(27) Bread	500 Gms
(28) Milk	500 Ml
Other Items	
29. LP Gas for Cooking only	

Instructions:

(2) Variation in Diet

(a) Three varieties of dal i.e., Toor (Tuvari), Moong (Green Gram) and Chana (Bengal Gram) may be issued alternatively.

(b) The Superintendent may also arrange to substitute chicken with fish at his discretion, provided that there is no extra expenditure to Government.

(c) On non-vegetarian days, vegetarian children shall be issued with either 60 Gms of Jaggery and 60 Gms of Groundnut seeds per head in the shape of laddus or any other sweet dish or 100 gms paneer.

(d) Potatoes shall be issued in lieu of vegetables once in a week.

(e) Leafy vegetables such as Fenugreek (Methi), Spinach (Palak), Sarson (Mustard leaves) Gongura Thotakura or any other saag etc, may also be issued once in a week. If a kitchen garden is attached to any institution leafy vegetables, in addition to drumstick trees, curry leaves trees and coriander leaves, should be grown and issued and the Superintendent should try to issue variety of vegetables and see that the same vegetable is not repeated for at least a period of one week.

(f) The Superintendent may make temporary alterations in the scale of diet in individual cases when considered necessary by him, or on the institution Doctor's advice subject to the condition that the scale laid down is not exceeded.

(3) Meal Timing and Menu:

a) Breakfast after 8:00 am

(i) Upma or chapattis made of Wheat or Ragi or any other dish.

(ii) Chutneys from Gongura or fresh curry leave or fresh coriander or Coconut and Putnadal etc., dal/vegetable may be issued as a dish.

(iii) Milk

(iv) Any seasonal fruit in sufficient quantity

b) Lunch at 1:00 P.M. and Dinner after 7:00 P.M.

(i) Rice/ Chapattis or combination of both

(ii) Vegetable Curry

(iii) Sambar or Dal

(iv) Butter Milk or curd

(4) Others:

(a) Depending on the season, the Superintendent shall have the discretion to alter the time for distribution of food.

(b) On the advise of the Institution Doctor, every sick child who is prevented from taking regular food, on account of his ill-health, may be issued with medical diet, as indicated in diet scale.

(c) Extra diet for nourishment like milk, eggs, sugar and fruits shall be issued to the children on the advice of the institution Doctor in addition to the regular diet, to pick up weight or for other health reasons and for the purpose of calculation of the daily ration, the sick children shall be excluded from the day's strength.

(d) On the following national and festival occasions, sweet dishes may be distributed to all the children at the Home at the rate fixed by the Commissioner, from time to time.

1. Republic Day (26th January)
2. Ambedkar's Birthday (14th April)
3. Independence Day (15th August)
4. Mahatma Gandhi's Birth Day (2nd October)
5. Children's Day (14th November)
6. Child Rights Day (20th November)
7. Dussehra (Vijayadasami)
8. Deepavali
9. Ramzan (Id-Ul-Fitr)
10. Bakrid (Id-Ul- Zuha)
11. Christmas (25th December)

The States may specify additional festivals depending upon local preferences.

[F. No. 1-2/2004-CW-II (Pt)]

Dr. LOVELEEN KACKER, Jt Secy.

FORM-1

[rule 13(1)(c)]

SUPERVISION ORDER

When the Juvenile is placed under the care of a parent, guardian or other fit person/fit institution Profile No__________________________________ of ___________________________20__________________

Whereas (name of the Juvenile/) has this day found to have committed an offence and has been placed under the care of (name____ (address) ____on executing a bond by he said ____and the Board is satisfied that it is expedient to deal with the said juvenile by making an order placing him/her under supervision.

It is hereby ordered that the said juvenile be placed under the supervision of ____ probation officer/case worker, for a period of ____ subject to the following conditions.

1. that the juvenile along with the copies of the order and the bond executed by the said____ shall be produced before the probation____________________officer/caseworker______________named______________therein ____
2. that the juvenile shall be submitted to the supervision of the aforesaid probation officer/case worker.
3. that the juvenile shall reside at___________________ for a period of_____________________
4. that the juvenile shall not be allowed to quit the district jurisdiction of___________ without the permission of the probation officer/case worker.
5. that the juvenile shall not be allowed to associate with bad characters.
6. that the juvenile shall live honestly and peacefully; and will go to school regularly/ endeavour to earn an honest livelihood.
7. that the juvenile shall attend the attendance centre regularly.
8. that the person under whose care the juvenile is placed shall arrange for the proper care, education and welfare of the juvenile.
9. that the preventive measures will be taken by the person under whose care the juvenile is placed to see that the juvenile does not commit any offence punishable by any law in India.
10. that the juvenile shall be prevented from taking narcotic drugs or psychotropic substances or any other intoxicants.

11. That the directions given be the probation officer / case worker from time to time, for the due observance of the conditions mentioned above. shall be carried out.

Dated this____________________________ day of______________________20_______________

(Signature)

Principal Magistrate, Juvenile Justice Board

Additional conditions, if any may be inserted by the Juvenile Justice Board

FORM-II

[Rule 13(1)(d)]

Order of detention under Sub-Section_____________ of Section ____________Sub-Section___________ of Section_____________ and Sub-Section__________________ of Section____________________

To

The Officer in Charge

____

____

Whereas on the ___________________________ day of ____________________ .20________________, ___________________________ (name of the juvenile). Son / daughter of __________________________, Aged _____________, residing at _______________________________________being found in Profile No ______________________________ to be juvenile in conflict with law/section ________________________ is order by me _________________________________Principal Magistrate, Juvenile Justice Board under Section ________________________________of Juvenile Justice Act, 2000 to be kept in the Observation Home/ Special Home/____ for a period of.

____

This is to authorize and require you to receive the said juvenile; into your charge, and to keep him/her in the Observation Home/ Special Home/ ____________________________for the aforesaid order to be carried into execution according to law.

Given under my hand and the seal of Juvenile Justice Board

This____ day of_________________________20.

(signature)

Principal Magistrate, Juvenile Justice Board

Encl:

Copy of the judgment, if any, or orders, particulars of home and case history and individual care plan, if any:

Strike which is not required.

FORM-III

ORDER OF SOCIAL INVESTIGATION/INQUIRY

[Rule 13(1)(e) and (5)]

To

Probation Officer/ Case Worker/Person in-charge of Voluntary Organization/Case Worker

____

Whereas a report/complaint under section____________________________ of the Juvenile Justice (care and Protection of children) Act, 2000 has been received from____________________________________ ____________________________.in respect of_____________________________________(name of the Juvenile), son/daughter of____ approximate age

____________________residing at____ who has been produced before the Board.

You are hereby directed to enquire into the social antecedents, family background and circumstances of the alleged offence by the said juvenile and submit your social investigation report on or

before________________________ or within such time allowed to you by the Board.

You are also hereby directed to consult an expert in child psychology, psychiatric treatment or counselling for their expert Opinion if necessary and submit such report along with your Social Investigation Report.

Dated this_____________________ day of____________________________20_____________

(signature)

Principal Magistrate, Juvenile Justice Board

FORM IV

[Rules 13(5) and 87(1) (a) and (2)]

SOCIAL INVESTIGATION REPORT

SI. No__________________________

Submitted to the Juvenile Justice Board _________________________________.(address)

Probation Department/Concerned State Government Authority/Voluntary Organisation____(Signature and Stamp)

Profile No.

Under section:

Title of Profile:

Police Station:

Nature of offence charge:

Name	Religion
Father's Name	Caste
Permanent Address	Year of birth
Last address before apprehension	Age
	Sex

Previous institutional/case history and individual care plan, if any

FAMILY

Members of family	Name	Age	Health	Education	Occupation	Monthly earnings	Disabilities	Any Other e.g social habits
Father								
Step Father								
Mother								
Step Mother								
Siblings								
Any Other Legal Guardian/ relative								

If married, relevant particulars

____

Other near relatives or agencies

Interested____

Attitude towards religion normal

And ethical code of the home etc____________________

Social and economic status____________________

Delinquency record of members
of family____________________

Present living conditions____________________

Relationship between parents/
Parents and children especially
With the juvenile under investigation____________________

Other factors of importance if any____________________

JUVENILES HISTORY

Mental condition
(Present and past____________________

Physical condition
(Present and past____________________

Habits, interests
(moral, recreational etc.)____________________

Outstanding characteristics and
personality traits____________________

Companions and their influence____________________

Truancy from home, if any____________________

School (attitude towards school,
teachers, class mates and vice-versa)____________________

Work record (jobs held, reasons for leaving,
vocational interests, attitude towards job or employers)____________________

Neighbourhood and neighbours report____________________

Parent's attitude towards discipline
in the home and child's reaction____________________

Any other remarks____________________

RESULT OF INQUIRY

Emotional factors

Physical condition

Intelligence

Social and economic factors

Religious factors

Suggested causes of the problems

Analysis of the case including reasons for delinquency

Opinion of experts consulted

Recommendation regarding treatment and its Plan by Probation Officer

Signature of the Probation Officer/Case Worker

FORM-V

[Rules 15(5) and 79(2)]

UNDERTAKING/BOND TO BE EXECUTED BY A PARENT/GUARDIAN/RELATIVE /FIT PERSON IN WHOSE CARE A JUVENILE IS PLACED

Whereas I____________________ being the parent, guardian, relative or fit person under whose care____________________(name of the juvenile) has been ordered to be placed by the Juvenile Justice Board ____________________have been directed by the said Board to execute an undertaking/ bond with surety in the sum of Rs__________/- (Rupees ____________________)or

without surety. I hereby bind myself on the said ____________________ being placed under my care. I shall have the said ____________________ properly taken care of and I do further bind myself to be responsible for the good behaviour of the said ____________________ and to observe the following conditions for a period of ____________________ Years w.e.f ____________________

1. that I shall not change my place of residence without giving previous intimation in writing to the Juvenile Justice Board through the Probation Officer/Case Worker;
2. that I shall not remove the said juvenile from the limits of the jurisdiction of the Juvenile Justice Board without previously obtaining the written permission of the Board;
3. that I shall send the said juvenile daily to school/to such vocation as is approved by the Board unless prevented from so doing by circumstances beyond control;
4. that I shall send the said juvenile to an Attendance Centre regularly unless prevented from doing so by circumstances beyond my control;
5. that I shall report immediately to the Board whenever so required by it;
6. that I shall produce the said juvenile in my care before the Board, if he/she does not follow the orders of Board or his/her behaviour is beyond control;
7. that I shall render all necessary assistance to the Probation Officer/Case Worker to enable him to carry out the duties of supervision;
8. in the event of my making default herein, I undertake to produce myself before the Board for appropriate action or bind myself, as the case may be, to forfeit to Government the sum of Rs____________________(Rupees)____________________

Dated this____________________. day of ____________________20.

Signature of person executing the Undertaking/Bond.

(Signed before me)

Principal Magistrate, Juvenile Justice Board

Additional conditions, if any, by the Juvenile Justice Board may be entered numbering them properly;

(Where a bond with sureties is to executed add)

1/We ____________________of____________________ (place of residence with full particulars) hereby declare myself/ ourselves as surety/sureties for the aforesaid____________________(name of the person executing the undertaking/bond) to adhere to the terms and conditions of this undertaking/bond. In case of____________(name of the person executing the bond) making fault therein, I/We hereby bind myself/ourselves jointly or severally to forfeit to Government the sum of Rs____________________./- (Rupees____________________) dated this the ____________________day of ____________________20____________________in the presence of ____________________

Signature of Surety(ties)

(Signed before me)

Principal Magistrate, Juvenile Justice Board

FORM VI

[Rules 15 (6) and 79 (2)]

PERSONAL BOND BY JUVENILE/CHILD

Personal Bond to be signed by juvenile/child who has been ordered under Clause____________________ of Sub-Section______________ of Section ______________of the Act.

Whereas, I____________________ inhabitant of ____________________(give full particulars such as house number, road, village/town, tehsil, district, state)____________________ have been ordered to be sent back/restored to my native place by the Juvenile Justice Board/Child

Welfare Committee ________________under section _________________of the Juvenile Justice (Care and Protection of Children) Act, 2000 on my entering into a personal bond under sub-rule_____________. of rule _____________and sub-rule______________ of rule___________ of these Rules to observe the conditions mentioned herein below. Now, therefore, I do solemnly promise to abide by these conditions during the period____________________________

I hereby bind myself as follows:

1. That during the period__________ I shall not ordinarily leave the village/town/district to which I am sent and shall not ordinarily return to__________________ or go anywhere else beyond the said district without the prior permission of the Board/Committee;
2. That during the said period I shall attend school/ vocational training in the village/town or in the said district to which I am sent;
3. That in case of my attending school/ vocational training at any other place in the said district shall keep the Board/Committee informed of my ordinary place of residence.

I hereby acknowledge that I am aware of the above conditions which have been read over/explained to me and that I accept the same.

(Signature or thumb impression of the Juvenile/child)

Certified that the conditions specified in the above order have been read over/explained to (Name of Juvenile/child)____________________________and that he/she has accepted them as the conditions upon which his/her period of detention/ placement in safe custody may be revoked.

Certified accordingly that the said juvenile/child has been released/relieved on the____________________________

Signature and Designation of the certifying authority
i.e. Officer-in-charge of the institution

FORM VII

[Rule 17 (10)]

DISCHARGE ORDER

I____name and designation of the discharging Authority____State Government/Union Territory Administration, do by this order permit ______________________________________son/daughter of_______________________________residence____ Profile Number_____________________________ who was ordered to be detained/placed in a observation home/special home/after care home by the Juvenile Justice Board _________________________ under section _________________________ of the Juvenile Justice (Care and Protection of Children) Act 2000, for a term of _______________________________________on the __________________________day of _________________20_________and who is now in the__________ home, at____________________ to be discharged from the said _________________________________home and supervision and the authority of_________________________during the remaining period of stay.

This order is granted subject to the conditions hereon, upon the breach of any of which it shall be liable to be revoked.

Dated

Signature and Designation of
Releasing Authority

Place:

Conditions:

1. The discharged person shall proceed to ______________________________________and live under the supervision and authority of __________________________________until the expiry of the period of his/her detention unless the remission is sooner cancelled.
2. He/She shall not, without the consent of the ___________________________remove himself/ herself from that place or any other place, which may be named by the said ___________________________________

3. He/she shall obey such instruction as he/she may receive from the said ______________________with regard to punctual and regular attendance at school/ vocation or otherwise.
4. He/She shall attend the Attendance Centre located at ________________________regularly.
5. He/ She shall abstain from committing any offense and shall lead a sober and industrious life to the satisfaction of___________________________________
6. In the even of his/her committing a breach of any of the above conditions the remission of the period of detention hereby granted shall be liable to be cancelled and on such cancellation he/she shall be dealt with under sub section (3) of section 59 of the Juvenile Justice (Care & Protection of Children) Act 2000.

I hereby acknowledge that I am aware of the above conditions which have been read over/explained to me and that I accept the same.

(Signature or mark of the released juvenile)

Certified that the conditions specified in the above order have been read over/explained to (Name of Juvenile/child)_____________________________and that he/she has accepted them as the conditions upon which his/her period of detention may be revoked.

Certified accordingly that the said juvenile/child has been discharged on the____________________________

Signature and designation of the certifying authority
i.e. Officer-in-charge of the institution

FORM VIII

[Rule 27(17)]

SUPERVISION ORDER

When the Child is placed under the case of a parent guardian or other fit person

Case No ___________________________of ____________________________20____________

Whereas (name of the child)________________________________has this day been found to be in need of care and protection, and has been placed under the care and supervision of (name___________________(address)____________________________.on executing a bond by the said ______________________________and the Committee is satisfied that it is expedient to deal with the said child by making an order placing him/her under supervision.

It is hereby ordered that the said child be placed under the supervision of (name) ________________________(address)____for a period of _______________________________subject to the following conditions that:

1. the child along with the copies of the order and the bond, if any, executed by the said _____________________________shall be produced before the Committee as and when required by the person executing the bond.
2. the child shall be placed under the supervision of the aforesaid parent/guardian/fit person.
3. the child shall reside at ________________________for a period of_________________
4. The child shall not be allowed to quit the district jurisdiction of _________________with the permission of the Committee.
5. the child shall go to school regularly/endeavour to earn an honest livelihood.
6. the person under whose care the child is placed shall arrange for the proper care, education and welfare of the child.
7. the child shall not be allowed to associate with undesirable characters and shall be prevented from coming in conflict with law.
8. the child shall be prevented from taking narcotic drugs or psychotropic substances or any other intoxicants.

9. the directions given by the Committee from time to time, for the due observance of the conditions mentioned above, shall be carried out.

Dated this____________________________day of__________________________20__________

(Signature)

Chairperson, Child Welfare Committee

- Additional conditions, if any may be interested by the Child Welfare Committee

FORM IX

[Rules 27(17) and 79(2)]

UNDERTAKING BY THE PARENT OR `FIT PERSON' TO WHOM CHILD IS RESTORED

I__________________________________resident of House no __________________________Street ____________________Village/Town__________________________ District ________________State ___________________________do hereby declare that I am willing to take charge of (name of the child) ____Aged________________ under the orders of the Child Welfare Committee_______________________________ subject to the following terms and conditions:

(i) If his/her conduct is unsatisfactory I shall at once inform the Committee.

(ii) I shall do my best for the welfare and education of the said child as long as he/she remains in my charge and shall make proper provision for his/her maintenance.

(iii) In the event of his/her illness, he she shall have proper medical attention in the nearest hospital.

(iv) I undertake to produce him/her before the competent authority as and when required.

Date this..................................day of..

Signature

Signature and address of witness ((es)

(Signed before me)

Chairperson, Child Welfare Committee

FORM X

[Rule 27(18)]

ORDER OF SHORT TERM PLACEMENT PENDING INQUIRY

Name of the child :

Sex :

Age :

Father's Name :

Mother's Name :

Address :

Date of receiving by Organization/Institution:

Produced by:

This is to authorize and direct you to receive the said child in your charge, and keep her/him in the Shelter Home/Children's home for care and protection under section 33 (1) of the J. J. Act, 2000.

Next Date:

(Signature)

Chairperson/Member

Child Welfare Committee

FORM XI

[Rule 27(19)]

ORDER OF RESTORATION OF A CHILD TO AN INSTITUTION

To

The Officer-in-Charge

Whereas on the______________________________ day of________________20__________(name of the child)_________________________son/daughter of _______________________________________

aged____________________ residing at____
being in care and protection under section 33(4) of the Juvenile Justice (Care and Protection) Act 2000 is ordered by the Child Welfare Committee _____________________________to be kept in the Children's Home/ Shelter Home_______________________________ for a period of________________________
This is to authorize and require you to receive the said child in your charge, and to kept him/her in the Children's Home/Shelter Home ______________________________for the aforesaid order to be carried into execution according to law.
Given under my hand and the seal of Child Welfare Committee.
This_______________________ day of_______________________________________20.

(Signature)
Chairperson/Member
Child Welfare Committee

Encl:
Copy of the orders, particulars of home and previous record, case history and individual care plan, whichever is applicable:

FORM-XII
[Rule 28(1)]
ORDER FOR ENQUIRY

To
Child Welfare Officer/Person in-charge of Voluntary Organization/Social Worker/Case Worker________
____
Whereas a report under section___________________ of the Juvenile Justice (Care and Protection of children) Act, 2000 has been received from ___________________________in respect of (name of the child) ________________________aged (approximate)_______________________________________, son/daughter of____ residing at____who has been produced before the Committee under section ________________of the Juvenile Justice (Care and Protection of Children) Act, 2000
You are hereby directed to enquire into the social and family background of the said child and submit your inquiry report on or before __________________or within such time allowed to you by the Committee.
You are also hereby directed to consult an expert in child psychology, psychiatric treatment or counselling for their expert opinion if necessary and submit such report along with your Inquiry Report.
You are hereby directed to enquire into the character and social antecedents of the said juvenile and submit your social investigation report on or before____ _______________________________or within such time allowed to you by the Board/Committee.
Dated this __________________________________day of__________________20__________

(Signature)
Chairperson/Member
Child Welfare Committee

SEAL

FORM-XIII
[Rules 28(3); 33(3)(g)(ii); and (4) (f); and 87(1) (a) and (2)]
FORMAT FOR INQUIRY REPORT

Sl. No____________________
Produced before the Child Welfare Committee____________________________________
(address).
Case No.
Concerned Government Department/ Voluntary Organisation

Category of child in need of care and protection:

Name

Father's Name

Permanent Address

Address of last residence

Religion

Caste

Year of birth

Age

Sex

Previous institutional/case history and individual care plan, if any

FAMILY

Members of family	Name	Age	Health	Education	Occupation	Monthly earnings	Disabilities	Any other eg. Social habits
Father								
Step Father								
Mother								
Step Mother								
Siblings								
Any other Legal Guardian/ relative								

If married, relevant particulars

____

Other near relatives or agencies
Interested_______________________________________

Attitude towards religion, normal
and ethical code of the home etc__________________

Social and economic status_______________________

Delinquency record of members
of family____

Present living conditions__________________________

Relationship between parent/
parents and children especially
with the said child_____________________________

Other factors of importance of any________________

CHILD'S HISTORY

Mental condition
(Present and past)______________________________

Physical condition
(Present and past)______________________________

Habits, interests
(moral, recreational etc.)_________________________

Outstanding characteristics and
personality traits____
Companions and their influence____________________________________
Truancy from home, if any

____

School (attitude towards school,
teachers, class mates and vice-versa)

____

Work record (jobs held, reasons for leaving
vocational interests, attitude towards job or employers)______________________
Neighbourhood and neighbours report________________________________
Parent attitude towards discipline
in the home land child's reaction___________________________________
Any other remarks

____

RESULT OF INQUIRY

Emotional factors
Physical condition
Intelligence
Social and economic factors
Religious factors
Reasons for child's need for care and protection
Opinion of experts consulted
Recommendation of Child Welfare Officer/Case Worker/Social Worker regarding psychological support, rehabilitation and reintegration of the child and suggested plan

Signature of the Child Welfare Officer/Case Worker/Social Worker

FORM XIV

[Rule 33(3)(c)]

ORDER FOR DECLARING CHILD LEGALLY FREE FOR ADOPTION

1. In exercise of the powers vested in the Child Welfare Committee_______________ constituted under sub-section ____________of section ___________of the Juvenile Justice (Care and Protection of Children) Act, 2000 and sub-rule ___________of rule __________of these rules, minor ________________born on (date)_____________________________placed in custody of Specialised Adoption Agency (name & address)_______________________________ _______________________vide order__________________ dated ___________________of the Chairperson, Child Welfare Committee ____, has been declared legally free for adoption on the basis of details furnished through:

a) Inquiry/home study conducted by Child Welfare Officer/Social Worker/ Case Worker.
b) Document of surrender executed by the parent(s) and surrender deed signed in the presence of the Committees under sub-rules _____________of rule ____________of these rules
c) Declaration submitted by the Specialised Adoption Agency under sub-rules________________ of rule......................of these rules

2 ____(name of the Specialised Adoption Agency) shall fulfill all conditions specified in Juvenile Justice (Care and Protection of Children) Act, 2000 and the rules relating thereto and furnish a copy of adoption Decree/guardianship order in respect of the minor as may be required by Committee and the concerned Department of the State Government of_____________________

Date: Chairperson/Member
Place Child Welfare Committee

For completion by the Specialised Adoption Agency.

i. I have read and understood Chapters III of IV of Juvenile Justice (Care and Protection of Children) Act 2000 and the rules thereunder and agree to abide/be bound by the same while placing said minor in adoption.

ii. I further declare that the particulars stated in the declaration submitted by me on ____________________________true and correct. In case they are found to be false or incorrect, the Committee has right to suspend this Release Order for (name of the minor) ______________________________and ask for production of said minor before the Committee.

Date:

Place: **Child Welfare Officer/Social Worker**

FORM XV

[Rule 33(4)(c)]

DEED OF SURRENDER

I_______________________________________ d/o or s/o _________________________________residing At____ am not in a position due to social reasons/ due to being single/ill/ disabled to take care of my child (name, if any)_________________________approximate age_____________________ years. I am explained the consequences of surrendering my child by the Child Welfare Officer/Social Worker (name)____and the Child Welfare Committee ____________________________________In full knowledge of all these facts, I am surrendering my child before the Committee today, dated______________________ Within two months from this stated date if I do not revise my decision to take back my child and do not approach the said Committee for the same, the Committee shall declare my child legally free for adoption and I shall have no further claim on my child.

Signature of parent/guardian

Date

That I____ Child Welfare Officer/Social Worker have explained the procedure and the consequences of surrendering the child to the concerned parent/guardian on (date____________________________

Signature of Child Welfare Officer/ Social Worker

Date

(Signed before me)
Chairperson/Member
Child Welfare Committee

FORM XVI

[Rule 35(3)]

A. FOSTER CARER'S ASSESSMENT

1. Agency Details

Name of the Agency

Address

Telephone

Fax

E-mail

Name of the Social Worker

Tel

Date_________________________(Form Completed)

2. Details of the Applicant

Surname

Full Name

Date of Birth

Religion

Language(s) spoken at Home

Occupation

(a) Nature of Work

(b) Hours of Work

Address

Telephone

3. Description of a preferred child

The type of child, the foster-carer would consider

(To be filled after a full discussion with the Foster-carer)

Age Rang Under 2 years 3-6 Years 7-12 years 13-15 years 16-18 years

SL. No.	Type of Placement	Duration
(i)	Pre adoption	
(ii)	Emergency	
(iii)	Short term	
(iv)	Assessment	
(v)	Long term	

The Child an applicant can care for (Please Tick)

A child who is:

i. Neglected

ii. Orphaned

iii. With Physical impairment

iv. Mental impairment

v. Hearing impairment

vi. Speech impairment

vii. Special Education needs

viii. Learning difficulties

ix Physical abuse

x. Sexual abuse

xi. Who does not relate easily

xii. Who needs control/may defy authority

xiii. Born of rape/incest

xiv. Who's parent(s) suffering from disease

xv. Whose parent(s) is HIV positive?

xvi. Whose parent(s) are AIDS, patient

xvii. Whose parent(s) are alcoholic?

xviii. Drug addicts

xix. Are in jail

xx. Relinquished

xxi. Belong to another caste

xxii. Are of different religion

4. Profile of the family

Brief Family Profile

Name	Gender	Approx. Age	Occupation	Education	Relationship with the applicant

(Give details of personalities, family life, experiences etc. Also highlight specific qualities of the family that can match with a child's needs, The details should facilitate initial identification of potential match with a specific child.)

Accommodation (House)

(Details of type, Size, own/rented space, amenities etc.)

Neighbourhood

(Details of composition, Amenities and facilities, public etc.)

5. Verification of applicant's identify

Place of residence

Period of stay

Nationality

Marital status (date/length of marriage)

Has either of the applicant had a previous marriage? Details

If children from previous marriage? Details

Specify documents seen with date

6. Career History

(Details of education, employment, voluntary work, part time work, leisure activities)

7. Agency Inquiries:

Medical check

Police check

Employer

8. Personal references (from 2 persons)

This section to be completed after interviews with two references; information gathered through these interviews should include:

- Length of time known
- Relationship to the applicant
- Provide evidence of the applicants ability to perform the tasks involved in........................
- Caring for children
- Providing a safe and caring environment
- Applicant as a neighbour
- Interests, talents, personality

Assessment of the social worker for these references

B. HOME STUDY REPORT

A Home Study Report of the foster carer(s) being a crucial document being prepared by the social worker of the Specialised adoption Agency based on the information collected by the format given above should broadly include the following information:

- Social Status and family background
- Description of the home

- Standard of living as it appears in the home
- Current relations amongst the members in the home
- Status of development of the children already in the home
- employment and economic status
- Health details
- Details of facilities of education, medical, vocational trainings avilable in the neighbourhood
- Reasons for wanting a child in foster care
- Attitudes of the grandparents and other relatives
- Anticipated plans for the foster child
- Legal status of the foster carer(s)
- Willingness to undergo training.

C. DETAILS OF APPLICANT(S)

1. Background:

Family structure with details of parents and siblings, significant details of other family members, childhood experiences, etc.

2. Relationships:

If couple-Length of married life, what qualities does each applicant bring to the partnership, what makes the relationship positive for each other? Within the relationship how do applicants cope with problems/stress/anger? How do applicants support each other? What is each applicant's assessment of how the Foster placement will affect his or her relationship?

3. Decision making:

How is decision- making exercised in this relationship and how does each of the applicants view this? Is there wider extended family involvement in the couple's decision-making process? If so, how will this affect the child to be placed?

What are the strengths and vulnerabilities of this partnership?

- Children
- Children and their parents' relationships
- Children's attitude and readiness for a foster placement sibling. Describe each child and their temperament, any special talent and need, how children have been involved in pareparation.

4. Applicants support networks:

Give a general picture of support systems currently used by the applicants including extended family, friends, neighbours, religious activities, community groups etc. include details of the location etc.

5. Other significant members of the family:

Living in the house or not. Their relationship to the applicants, how much time they spent within the home, their attitude to the proposed placement? How important is their acceptance of placement to the applicant.

6. Description of the family life style:

Outline what family considers important e.g. how important are religious & cultural practices. How is affection show in the family? How do the members spend their time? What expectations family members have with regard to personal space? What value is placed on education/Hobbies and leisure activities that the whole family undertakes?

7. Parenting Capacities:

Experience of the applicants of caring and working with children. Describe their adjustment of parenthood. What is their understanding of how children develop?

Using their own childhood experiences what patterns of parenting would the repeat and what would they change? What is their understanding of their own parenting strengths/potentials and about their parenting skills to meet the needs of individual child. To what extent they would expect other family members to be involved in parenting of their children/placed children.

How will they ensure that a child will be safe from physical sexual abuse in their family and within wider support networks?

8. Managing Unacceptable Behaviour:

What are rules in the household? How do the applicants show approval/disapproval? What are discipline measures they use? Their attitude towards punishment?

What do they anticipate would be the issues and difficulties and themselves for their own children and for their support network? What do they anticipate would be the issues and difficulties for the child? Which changes do they anticipate would need in their lifestyle?

Social workers assessment:

It should provide an analysis of all the information collected through the format and its significance with regard to the capacity of the applicant to carryout fostering task:

(What skills do the applicants have in relating to and working with children? How well will the applicant work with the agency, with biological parents? What are the strengths and resources of the applicants and which are the areas where they may experience difficulty? Also the point of disagreement between the social worker and the applicants should be recorded here)

Recommendations of the Child Welfare Officer/Social Worker

(Signature)

FORM XVII

[Rule 34(1)]

ORDER OF FOSTER CARE PLACEMENT

The child (name and address)____approximate Age ________________d/o or s/o Mr.____ and Mrs. ________________________________or Ms____

Is in need of care and protection of a family. Mr .____and Mrs. _____________________________________or Ms. __________________________________resident of (complete address and contact numbers)____ ____is/are declared fit person/persons for foster-care placement of the child based on the home study report of the Child Welfare Officer/Social Worker Ms./Mr ____of the Organization (address)____

The child (name)____ is placed in foster care for a period of ______________________.(days/months), under the supervision of the aforesaid Child Welfare Officer/Social Worker (name and contact)_______________________________________

Chairperson/Member

Child Welfare Committee

FORM XVIII

[Rule 37(5)]

ORDER OF SPONSORSHIP PLACEMENT

The juvenile/child (name and address)____ Approximate age__________________________ d/o or s/o Mr ____________________________and Mrs. ______________________________________or Ms.____________________________________

has been identified by the State/District Child Protection Unit as a juvenile/child at risk needing urgent care and protection. On the basis of the Inquiry Report submitted by the State/District Child Protection Unit/Child Welfare Officer/Social Worker it is established that the said juvenile/child needs sponsorship support for education/ health/nutrition/other developmental needs _________________________________(please specify). The State/District Child Protection Unit is hereby directed to release Rs________ per month/ Rs ______as one time sponsorship support to the said juvenile/ child for a period of_______________(days/month) and carryout necessary follow up.

The State/District Child Protection Unit is also directed to clearly lay down the terms and conditions for sponsorship support and follow up.

Principal Magistrate, Juvenile Justice Board/

Chairperson/Member, Child Welfare Committee

Copy to: State/District Child Protection Unit or concerned Department of the State Government

FORM XIX

[Rule 38 (3)]

ORDER OF AFTER CARE PLACEMENT

The juvenile/child (name)______________________________d/o or s/o ________________________has/ will be completing 18 years of age on (date) ________________She/ he is still in need of care and protection for the purpose of rehabilitation and reintegration. She/he is placed in (name of organization)____________________for providing aftercare. The In-charge of the Organization is directed to admit the child and provide all possible opportunities for her / her rehabilitation and reintegration in its truest sense. The person shall be provided all theses opportunities maximum till the age of 21 years only or till reintegration in the society, whichever is earlier. The In-Charge will send half yearly report on the status of the child/youth to the Child Welfare Committee.

The State/District Child Protection Unit is hereby directed to arrange for aftercare for the said juvenile/child for a period of __________ (days/month) and carryout necessary follow up. The State/District Child Protection Unit is also directed to clearly lay down the terms and conditions for aftercare programme and carryout necessary follow up.

Principal Magistrate, Juvenile Justice Board/

Chairperson/Member, Child Welfare Committee

Copy to: State/District Child Protection Unit or concerned Department of the State Government

FORM XX

[Rule 50(9) and 54(1)(t)]

CASE HISTORY FORM FOR CHILDREN IN NEED OF CARE AND PROTECTION

Case/profile No____________________

Date & Time______________________

Affix a latest photograph here

A. PERSONAL DATA

1 Name

2 Male / Female (tick the appropriate category)

3 a) Age at the time of admission

b) present age:

4 Category:

- Separated from family
- Abandoned/deserted
- Victim of exploitation and violence (give detail)
- Run-away
- Any other

5 Religion Hindu (OC/BC/SC/ST)

Muslim/Christian/Other (Pl. specify)

6 Location of Residence Urban/Sub-urban/Rural/Slum/

Industrial/Other (Pl. Specify)

7 Native District & State:

8 Description of the Housing:

i) Concrete building Tiled

House/Hut/On the street/Others

(Please Specify)

ii) Three bed room/two-bed room/one-bed room/no separate bed room

iii) Owned/rental

9. By whom the juvenile was brought before the child Welfare Committee:
   - i) Police-Local Police/Special Juvenile Police Unit/Railway Police/Women Police
   - ii) Probation Officers
   - iii) Social Welfare Organization
   - iv) Social Worker
   - v) Parent(s) Guardian (s) (please Specify the relationship)
   - vi) Child himself/ herself

10. Reasons for leaving the family
    - i) Abuse by parent(s)/ guardian(s)/ step parent(s)
    - ii) In search of employment
    - iii) Peer group influence
    - iv) Incapacitation of parents
    - v) Criminal behaviour of Parents
    - vi) Separation of Parents
    - vii) Demise of parents
    - viii) Poverty
    - ix) Others (please specify)

11. Types of abuse met by the child
    - i) Verbal abuse- Parents/siblings/ employers/others (pl.specify)
    - ii) Physical abuse
    - iii) Sexual abuse Parents/Siblings/ Employers/Others (Pl. Specify)
    - iv) Others-parents/siblings/ employers/others (pl.Specify)

12. Types of ill-treatment met by the child.
    - i) Denial of food-parents/siblings employers/other(pl.Specify)
    - ii) Beaten mercilessly-parents/ Siblings/employers/other (pl.specify)
    - iii) Causing injury-parents/ Siblings/employers/other (pl.specify)
    - iv) Other (pl.specify)- parents/ Siblings/ employers/others (pl. specify)

13. Exploitation faced by the child
    - i) Extracted work without payment
    - ii) Little (low) wages with longer duration of work
    - iii) Others (pl. specify)

14. Health Status of the Child before admission.
    - i) Respiratory Disorders -present / not known / absent
    - ii) Hearing impairment -present / not known / absent

iii) Eye diseases -present / not known / absent
iv) Dental disease -present / not known / absent
v) Cardiac diseases -present / not known / absent
vi) Skin disease -present / not known / absent
vii) Sexually transmitted diseases -present / not known / absent
viii) Neurological disorders -present / not known / absent
ix) Mental handicap -present / not known / absent
x) Physical handicap -present / not known / absent
xi) others (pl.specify) -present / not known / absent

15. With whom the child was staying prior to admission
i) Parent(s) - Mother / Father / Both
ii) Guardian(s) - Relationship
iii) Friends
iv) On the Street
v) Night Shelter
vi) Orphanages/ Hostels/ Similar Homes
vii) Other (pl.specify)

16. Visit of the parents to meet the child
i) Prior to institutionalization-
Frequently / Occasionally / Rarely / Never
ii) After institutionalization-
Frequently / Occasionally / Rarely / Never

17. Visit of the child to his family
i) Prior to institutionalization-
Frequently / Occasionally / Rarely / During festival times/ During summer holidays/ Whenver fallen sick / Never
ii) After institutionalization -
Frequently / Occasionally / Rarely / During festival times / During summer holidays / Whenever fallen sick / Never

18. Correspondence with parents -
i) Prior to institutionalization-
Frequently / Occasionally / Rarely / During Festival times / During summer holidays/ Whenever fallen sick / Never
ii) After institutionalization-
Frequently / Occasionally / Rarely / During festival times / During summer holidays / Whenever fallen sick / Never

B CHILDHOOD HISTORY (up to the age of 12 years)

19. Diet of Mother during pregnancy:
i) Taken nutritious diet
ii) Ordinary diet
iii) Inadequate food intake

20. Health during pregnancy
i) Mother infected with contagious diseases
ii) Mother consumed / used contraceptives
iv) Intake of antibiotics
v) No such details available

21. Birth details
i) Normal delivery / prolonged delivery / caesarian
ii) Under weight / normal weight / over weight

22. Details of immunization provided

23. Details of handicap

i) Hearing impairment — By birth / After accident / diseases
ii) Speech impairment — By birth / After accident / diseases
iii) Physical handicap — By birth / After accident / diseases
iv) Mental handicap — By birth / After accident / diseases
v) Others (please specify) — By birth / After accident / diseases

C. FAMILY DETAILS:

24 Household Composition:

S. No.	Name & Relationship	Age	Sex	Education	Occupation	Income
1	2	3	4	5	6	7

Health	History of Mental illness	Handicap	Habit	Socialization
8	9	10	11	12

25. Type of family:

Nuclear family / joint family / broken family

26. Relationship among the family members:

i) Father & mother — Cordial / Non Cordial / Not known
ii) Father & child — Cordial / Non Cordial / Not known
iii) Mother & child — Cordial / Non Cordial / Not known
iv) Father & siblings — Cordial / Non Cordial / Not known
v) Mother & siblings — Cordial / Non Cordial / Not known
vi) Juvenile & siblings — Cordial / Non Cordial / Not known

27. History of crime committed by family members:

S. No.	Relationship	Nature of Crime	Arrest if any Made	Period of confinement	Punishment awarded
1.	Father				
2.	Step father				
3.	Mother				
4.	Step mother				
5.	Brother (a) (b) (c) (d)				
6.	Sister (a) (b) (c) (d)				
7.	Child				
8.	Others (uncle/ Aunty/ Grandparents)				

28. Properties owned by the family:
    - i) Landed properties (pl. specify the area)
    - ii) Household articles- Cows / Cattle / /Bull
    - iii) Vehicles- Two wheeler / three wheeler / four wheeler (lorry / bus / car / tractor / jeep)
    - iv) Others (please specify)

29. Marriage details of family members:
    - i) Parents Arranged/ Special Marriage/Local Union
    - ii) Brothers Arranged/ Special Marriage/ Local Union
    - iii) Sisters Arranged/ Special Marriage/ Local Union

30. Social activities of family members:
    - i) Participate in social and religious functions
    - ii) Participate in cultural activities
    - iii) Does not participate in social and religious functions
    - iv) Not known

31. Parental care towards juvenile before admission:
    - i) Over protection
    - ii) Affectionate
    - iii) Attentive
    - iv) Not affectionate
    - v) Not attentive
    - vi) Rejection

D. ADOLESCENCE HISTORY (Between 12 and 18 years)

32. Puberty

    Early

    Middle age

    Late

33. Details of delinquent behaviour if any
    - i) Stealing
    - ii) Pick pocketing
    - iii) Arrack selling
    - iv) Drug pedaling
    - v) Petty offences
    - vi) Violent crime
    - vii) Rape
    - viii) None of the above
    - ix) Others (please specify)

34. Reason for delinquent behaviour
    - i) Parental neglect
    - ii) Parental overprotection
    - iii) Parents criminal behaviour
    - vi) Parents influence (negative)
    - vii) Peer group influence
    - viii) To buy drugs/alcohol
    - ix) Others (pl. specify)

35. Habits

A		B	
i)	Smoking	i)	Watching TV/ movies
ii)	Alcohol consumption	ii)	Playing indoor/outdoor games
iii)	Drug use (specify)	iii)	Reading books
iv)	Gambling	iv)	Religious activities
v)	Begging	v)	Drawing/painting/acting/singing
vi)	Any other	vi)	Any other

E. EMPLOYMENT DETAILS

Employment details of the juveniles prior to entry into the Home:

S. No.	Details of employment	Duration	Wages earned
i)	Cooly		
ii)	Rag picking		
iii)	Mechanic		
iv)	Hotel work		
v)	Tea shop work		
vi)	Shoe Polish		
vii)	Household works		
viii)	Others (pl specify)		

36. Details of income utilization:
    - i) Sent to family to meet family need
    - ii) For dress materials
    - iii) For gambling
    - iv) For prostitution
    - v) For alcohol
    - vi) for drug
    - vii) For smoking
    - viii) Savings

37. Details of savings
    - i) With employers
    - ii) With friends
    - vi) Bank/Post Office
    - vii) Others (pl. specify)

38. Duration of working hours
    - i) Less than six hours
    - ii) Between six and eight hours
    - iii) More than eight hours

E. EDUCATIONAL DETAILS

39. The details of education of the juvenile prior to the admission to Children's Home
    - i) Illiterate
    - ii) Studied up to V Standard
    - iii) Studied above V Std but below VIII Standard
    - iv) Studied above VIII Std but below X Standard
    - v) Studied above X Standard

40. The reason for leaving the School
    - i) Failure in the class last studied
    - ii) Lack of interest in the school activities

iii) Indifferent attitude of the teachers
iv) Peer group influence
v) To earn and support the family
vi) Sudden demise of parents
viii) Rigid school atmosphere
viii) Absenteeism followed by running away from school
ix) Others (pls specify)

41. The details of the school in which studied last:
i) Corporation/Municipal/Panchayat Union
ii) Government/SC welfare School/BC Welfare School
iv) Private management
v) Convents

42. Medium instruction:
Hindi/English/Urdu/Tamil/Malayalam/Kannada/Telugu
Other language (please specify)

43. After admission to Children's Home, the educational attainment from the date of admission till date;
No. of years class studied Promoted / detained

44. Vocational training undergone form the date of admission into Children's Home till date.
No. of years Name of Vocational Trade Proficiency Attained

45. Extra curricular activities developed from the date of admission into the children's Home till date
i) Scout
ii) Sports (please specify)
iii) Athletics (please specify)
iv) Drawing
v) Painting
vi) Others (pl. specify)

G. MEDICAL HISTORY

46. Height and weight at the time of admission:
47. Physical condition:
48. Medical History of child (gist):
49. Medical History of parent/guardian (gist)
50. Present Health Status of the Child:

Sl. No.	**Annual Observation**	**1st Quarter**	**2nd Quarter**	**3rd Quarter**	**4th Quarter**
1.	Date of review				
2.	Height				
3.	Weight				
4.	Nutritious diet given				
5.	Stress disease				
6.	Dental				
7.	ENT- Tonsils				
8.	External eye problem: Vision				
	Left				
	Right				

51. Height and Weight Chart:

Date, Month & Year	Height	Admissible weight	Actual weight

H. SOCIAL HISTORY

52. Details of friendship prior to admission into Children's Home:
    i. Co-workers
    ii. School/Classmate
    iii. Neighbours
    iv. Others (pl. specify)

53. Majority of the friends are
    i. Educated
    ii. Illiterate
    iii. The same age group
    iv. Older in age
    v. Younger in age
    vi. Same sex
    vii. Opposite sex

54. Details of membership in group (please specify details)
    i. Associated with cine fans association
    ii. Association with Religious group
    iii. Associated with arts and sports club
    iv. Associated with gangs
    v. Associated with voluntary social service league
    vi. Others (please specify)

55. The position of the child in the groups/league
    i. Leader
    ii. Second level leader
    iii. Middle level functionary
    iv. Ordinary member

56. Purpose of taking membership in the group:
    i. For social service activities
    ii. For leisure time spending
    iii. For pleasure seeking activities
    iv. For deviant activities
    v. Others (please specify)

57. Attitude of the group / league
    i. Respect the social norms and follow the rules
    ii. Interested in violating the norms
    iii. Impulsive in violating the rules
58. The location/meeting point of the groups
    i. Usually at fixed place
    ii. Places are changed frequently
    iii. No specific places
    iv. Meeting point is fixed conveniently
59. The reaction of the society when the child first came out of the family
    i. Supportive
    ii. Rejection
    iii. Abuse
    iv. Ill-treatment
    v. exploitation
60. The reaction of the police towards children
    i. Passionate
    ii. Cruel
    iii. Abuse
    iv. Exploitation
    v. Ill-treatment
61. The response of the general public towards the child

HISTORY OF THE CHILD (GIST)

i. Education
ii. Health
iii. Vocational training
iv. Extra curricular activities
v. Others

Suggestion of Child Welfare Officer/ Probation Officer after orientation to juvenile/child and the response towards orientation.

Follow up by Child Welfare Officer/ Probation Officer/ Case Worker/ Social Worker

Quarterly Review of Case History by Management Committee

SUPERINTENDENT/
WELFARE OFFICER/PROBATION OFFICER

FORM XXI

Rules 50(12)(a), 54(1)(o) and 87(1)(k)]

INDIVIDUAL CARE PLAN

Individual care plan for each child shall be prepared following the principle of the best interest of the child. In preparing individual care plan the care options in the following order of preferences shall be considered:

(i) Preserving the biological family
(ii) Kinship Care
(iii) In-country adoption
(iv) Foster Care
(v) Inter-country Adoption
(vi) Institutional Care

Case/Profile No. of 20____________ (year) of the Board/ Committee

Admission No.

Date of Admission:

A. PERSONAL DETAILS

1. Name of the Child:
2. Age:
3. Sex: Male/Female
4. Father's/Mother's name:
5. Nationality:
6. Religion/caste:
7. Educational Attainment:
8. Summary of Case History:

* Health needs
* Emotional and psychological support needed
* Educational and Training needs
* Leisure, creativity and play
* Attachments and Relationships
* Religious beliefs
* Protection from all kinds of abuse, neglect and maltreatment
* Social mainstreaming
* Follow-up post release/restoration

B. FORTNIGHTLY PROGRESS REPORT OF PROBATIONER

Part One

1. Name of the Probation Officer/Case Worker
2. For the month of
3. Registration No.
4. Competent Authority
5. Profile No.
6. Name of the Child
7. Date of Supervision Order
8. Address of the Child
9. Period of Supervision

Part Two

Places of interview	Dates
....	....
....	....
....	....

1. Where the child is residing?
2. Progress made in any educational/training course.
3. What work he/she is doing and his/her monthly average earning, if employed
4. Savings kept in the Post Office.
5. Savings Bank Account in his/her name.
6. Remarks on his/her general conduct and progress.
7. Whether property cared for?

Part Three

1. Any proceedings before the competent authority of or

a) Variation of conditions of bond

b) Change of residence

c) Other matters

2. Period of supervision completed on..

3. Result of supervision with remarks (if any)

4. Name and Addresses of the parent or guardian or fit person under whose care the juvenile is to live after the supervision is over.

Date of report__________________ Signature of the Probation Officer/Case Worker____________

C. PRE-RELEASE REPORT

Tick whichever is applicable

Final Release [ ] **Transfer** [ ]

1. Details of place of transfer and concerned authority responsible in the place of transfer/release
2. Details placement of the juvenile/child in different institutions
3. Training undergone and skills acquired
4. Final progress report of the officer-in-charge/probation officer/child welfare officer/case worker/social worker (to be attached)
5. Date of release/transfer
6. Date of repatriation
7. Requisition for escort if required
8. Identification of escort
9. Recommended rehabilitation plan including possible placements
10. Sponsorship requirement and report, if applicable
11. Identification of Probation Officer/Case worker/social worker/non-governmental organisation for post-release follow-up
12. Memorandum of Understanding with non-governmental organisation identified for post release follow-up
13. Identification of sponsorship agency/individual sponsor for the child post-release, if any
14. Memorandum of Understanding between the sponsoring agency and individual sponsor
15. Details of Savings Account of the Child, if any
16. Details of child's earnings and belongings if any
17. Details of awards/rewards due to the child if any
18. Opinion of the child
19. Any other information

Note: Pre-release report shall be prepared 6 months prior to the date of release/transfer of juvenile/child and shall take into account the recommendations of the last review report and all other relevant information.

D. POST-RELEASE REPORT

1. Status of Bank Account : Closed / Transferred
2. Earnings and belongings of the child : handed over to the child or his/her parents/guardians-Yes/No
3. First interaction report of the probation officer/child welfare officer/case worker/social worker/non-governmental organisation identified for follow-up with the child post-release
4. Placement of the juvenile/child if any

5. Family's behaviour towards the child
6. Social milieu of the child, particularly attitude of neighbours/community
7. How is the child using the skills acquired?
8. Whether the child has been admitted to a school or vocation? Give date and name of the school/institute any other agency
9. Report of second and third follow-up interaction with the child after two months and six months respectively

FORM XXII

[Rule 65(2)]

ESCORT ORDER

Case No.........................

In the matter of Boy/Girl Child
....
Aged about.................year taken
Charged for sole custody under
Section 33 (3) of the Juvenile
Justice Act 2000

The Parents of the boy/girl child are reported to be residing at:

He/She therefore be sent under supervision of a proper police/ non-governmental organisation escort to the____

For tracing and for handing over to the parents or close relatives of the said Boy Child/Girl Child residing at the aforesaid address or at other Place which may be shown by the Child, if no such parents or relative are traced or if traced but they are unwilling to take charge of the boy/girl be kept in the custody of the Superintendent...Children's Home and the said Boy/Girl child be produced before the concerned Child Welfare Committee for further orders.

Orders

Pending Escort, the said Boy / Girl Child shall remain in Children's Home, residing at present at.. The State/District Child Protection Unit, or Police Department or non-governmental organisation/ Childline shall positively make immediate arrangement not less than 15 days from the date of receipt of this order by him and send the said Boy Child/Girl Child at his/her aforesaid place of residence.

Dated this..day of 200

Chairperson/Member
Child Welfare Committee

CC to:

1. The Superintendent, Children Home,.
2. The State/District Child Protection Unit or non-governmental organisation or Childline

Ref: 1. Order of admission of minor....................... born on................Profile No.......................

ಭಾರತದ ರಾಷ್ಟ್ರಪತಿಯವರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಆರ್. ಆಂಜಿನಿ

ಪಿ.ಆರ್. 105

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.